

to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 14736. July 19, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 14737. July 19, 1976. Judiciary. Directs the Chairman of the Civil Service Commission to determine and to pay the amount of benefits under the Civil Service Retirement and Disability Fund to which a certain individual would have been entitled had not a certain individual elected certain options regarding such benefits.

H.R. 14738. July 20, 1976. Interstate and Foreign Commerce; Interior and Insular Affairs. Establishes procedures for administrative review and Presidential decision-making concerning the selection of a natural gas transportation system to deliver Alaska natural gas to other States. Details procedures for Congressional review of such Presidential decisions.

Suspends various procedural requirements imposed by the Mineral Leasing Act of 1920 and the National Environmental Policy Act of 1969. Imposes limitations on judicial review of administrative actions taken pursuant to this Act.

H.R. 14739. July 20, 1976. Ways and Means. Amends the Internal Revenue Code to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlord.

H.R. 14740. July 20, 1976. Government Operations. Creates a Federal Program Information Center to establish and maintain a computerized program information system which is capable of identifying all existing Federal domestic assistance programs.

Directs the President to publish an annual catalog of such programs which includes all information in the Center's data base.

## EXTENSIONS OF REMARKS

### CATO-MERIDIAN HIGH SCHOOL BLUE DEVILS—1976 NATIONAL CHAMPIONS IN GIRLS' ARCHERY

#### HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. WALSH. Mr. Speaker, the sport of archery demands a stern mind, a steady hand and a steel will. If for an instant the archer hesitates in the release of the bow, the arrow strays from its path to the target.

In the 33d Congressional District of New York, the district I am honored to represent, six young women and their coach have mastered the fundamentals of this most testing sport and have earned the title of "national champion."

The girls' archery team of Cato-Meridian High School recently bullseyed its way to first place in the girls' high school championships of the National Archery Association.

These "Blue Devils" competed in the classification of greatest difficulty against teams from coast-to-coast, equaling championships they had won in previous years.

Along with having the highest team score, Cato-Meridian also produced the individual with the best count. Blue Devil Vicki Jenda homed in on the bullseye more consistently than any other competitor, as she earned individual honors.

Mary Dady, coach of this sharpshooting squad, is to be congratulated for her expert guidance. I know that her team must be as grateful to her as she is proud of her team.

The 33d Congressional District of New York abounds with true competitors. I am proud to represent in Congress four 1976 national champions: the West Genesee Senior High School Marching Band, the best high school field band in the United States; Tim Kneale, the best young speller in the country; the Hobart College lacrosse team, the best college division stickmen in America; and now, the Cato-Meridian High School girls' archery team, the best girls' high school archery team in the 1976 National Archery championships.

These outstanding young women are endowed with the determination of Robin Hood, the fortitude of William Tell and the love of bow and arrow of Cupid. I give them my very best wishes.

### POLITICAL EXILES IN ARGENTINA

#### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Ms. COLLINS of Illinois. Mr. Speaker, during the recent congressional recess, several important news reports appeared in prominent national newspapers. These articles concern the fate of political exiles in Argentina. I wish to offer them to my colleagues as a reminder that while many of us were thinking about domestic issues and party politics, a serious international problem continued to worsen.

During our adjournment, executions of political exiles in Argentina continued to increase as they have been increasing since the start of this year.

Sadly, the United States has done little to satisfy its moral responsibility to offer asylum to these refugees. Yet we have a chance, at this time, to act. Mr. FRASER of Minnesota and Mr. KOCH of New York have coauthored a resolution that would direct the U.S. Attorney General to grant "parole status," hence political asylum, to those refugees in Argentina whose lives are endangered because of their political beliefs.

I would hope that in reading these articles my colleagues will be prompted to react to this serious situation by joining me in cosponsoring the Fraser-Koch resolution.

The articles follow:

[From the New York Times, July 6, 1976]  
ARGENTINES SHOCKED BY SLAYING OF FIVE AT CHURCH

(By Juan de Onis)

Special to the New York Times

BUENOS AIRES, July 5.—The killing of three Roman Catholic priests and two seminarians of an Irish-Argentine order shocked public opinion here today.

The five, including the Rev. Alfred Leden, 60 years old, the highly respected parish priest of St. Patrick's Church, were shot in the back of the head as they knelt in the parish residence early yesterday.

Words written in chalk on the wall of the residence, later rubbed out during a police inspection of the building, indicated that the killings were in reprisal for the explosion of a bomb Friday that killed 18 policemen.

According to a priest who saw the writing, it said, "For the police that died" and "Corrupters of innocent minds."

"This is senseless killing," said the priest,

who asked not to be identified. "These priests never had any political activity."

Since the bomb explosion in the headquarters of the superintendency of federal security, the investigatory arm of the federal police, more than 20 persons have been killed in what appear to be reprisals.

A machine-gunned body was found early today. At the obelisk that stands at the main intersection of this capital, Corrientes and 9 de Julio Avenues.

On Saturday, 15 bullet-riddled bodies were found in various empty fields and parking lots in the city.

The coffins carrying the bodies of the slain priests and seminarians were displayed at St. Patrick's Church this morning before hundreds of parishioners from the middle-class neighborhood where many Irish-Argentine families live.

A woman lifted a white lace cloth covering the face of the Rev. Alfred J. Kelly, Argentine-born but trained for the clergy in Thurles, Ireland. Tears rolled down her cheeks. She touched the dead priests face, then turned and buried her head against the shoulder of her husband.

The mass at the church today was attended by Archbishop Aramburu of Buenos Aires and the Papal Nuncio, msgr. Pío Laghi, as well as hundreds of parishioners, churchmen and groups from parochial schools.

There were a number of army officers in uniform at the mass, and they inquired of the clergymen of the Order of Irish Fathers about the circumstances of the killing.

Since the start of this year, more than 600 people have been killed in political violence here. The conflict is between leftwing guerrilla organizations and the security forces.

[From the Washington Post, July 8, 1976]

EXILES IN ARGENTINA STRUGGLE TO LEAVE

(By Juan de Onis)

Special to the New York Times

BUENOS AIRES, July 8.—Latin-American political refugees in Argentina, who feel trapped, afraid and frustrated, are mounting almost desperate acts of pressure on the United Nations and foreign embassies to help them leave the country.

A group of 44 Chilean and Uruguayan exiles, including 24 children, began a hunger strike yesterday at the shabby residential hotel where some have been waiting for two years to obtain visas to a new country.

"We can't stay here," said a Chilean refugee at the Chelita Hotel. "We have no documents to even walk the streets and we can't work legally. Some of our children have been told they can no longer go to school. We have to get out."

Asking not to be identified, as did the other refugees, he said he came here a year and eight months ago from a working-class sector of San Bernardo, near the Chilean capital, where he said he had been active in the Socialist Party's organization of neighborhood committees.

## FLED "PRESSURE" IN CHILE

"After the military overthrew President Allende, the pressure got so bad we had to leave," he continued. "Some people were killed and many went to jail. I went to the Church Committee for Peace and they got us permission to leave."

With his wife and two children, he came to Argentina, like at least 10,000 other Chileans after the fall of the left-wing Government of President Salvador Allende Gossens.

Along with refugees from Bolivia, Uruguay and Brazil, the Chileans make up the majority of the approximately 8,500 registered with the United Nations High Commission for Refugees here. Other thousands of people who came here for political or economic reasons are illegal residents in Argentina.

The group that began the hunger strike said that other refugees in the 18 hotels and shelters maintained by the United Nations would join the movement next week unless there was some movement to accelerate exit visas from embassies here or the issuance of Argentine documents for those who wanted to stay.

Another group of 27 Chileans has been in the Canadian Embassy since last Friday. They have refused to leave the embassy offices until the Canadian Government says it will give them visas.

## ARMED MEN BEAT CHILEANS

The pressure from the refugees on the office of the United Nations High Commission for Refugees here has increased since armed men dragged 25 Chileans from two hotels and beat them up. They were later released and said their abductors had been policemen or military personnel.

Rear Adm. Cesar Augusto Guzzetti, the Foreign Minister of the military junta, said the protest movements by the refugees were "a demand for action from the United Nations."

"These people are vegetating and most of them want to reconstruct their lives," said Admiral Guzzetti. "They want solutions."

Admiral Guzzetti said that among the refugees there were some who had political and criminal records that made them "a security danger." He said that these would not be allowed to remain in Argentina.

The Ministry of Interior has issued expulsion orders for 46 refugees since the junta came to power, and the United Nations High Commission has obtained visas for nearly all these. The Argentine Government does not send expelled persons back to their country of origin if they have fled for political reasons, according to the Ministry of Interior.

The admiral said Argentina was analyzing with a representative of the United Nations High Commission here, Robert Muller, the list of refugees under United Nations control to see which ones could be issued Argentine residence documents.

"We want solutions," he said. "Many of these people came here under irregular circumstances before the junta came into office. This is a heavy burden for this country when we are reconstructing our economy and our own people find it difficult to hold their jobs. We expect the United Nations to get cooperation from other governments to accept the people who cannot stay here."

The group at the Chelita Hotel, some in wool ponchos and patched clothing, included mechanics, construction workers, a teacher, students and housewives. Some said that visa requests presented at the embassies of France, Canada, Australia and Algeria had been turned down.

Last year when thousands of Vietnamese fled their homeland in fear of their lives, the United States rightly offered these refugees asylum. Today again we have the opportunity to exercise our traditional responsibility to provide a haven for those fleeing persecution. This time the refugees are from South Amer-

ica and they are fleeing right-wing repression.

Thousands of political exiles from Chile, Uruguay, Brazil, and Bolivia have sought asylum in Argentina as repressive military dictatorships have come increasingly to dominate the governments of South America. When the military recently took control in Argentina, the haven became a virtual prison for the refugees. In the past month prominent opposition leaders living in exile in Argentina—including Uruguayans Zelmario Michelini and Hector Gutierrez Ruiz and former Bolivian President Juan Jose Torres—have been kidnapped and murdered by right-wing paramilitary groups which the Argentine government has been either unable or unwilling to control.

Perhaps most frightening is that those right-wing terrorists are now in possession of a master list of 8,000 political exiles in Argentina. Last month 25 of those refugees were kidnapped and roughed up. Wilson Ferreira Aldunate, a moderate Uruguayan leader now in exile, estimates that there are at least 250 persons in Buenos Aires who know they have been singled out by the death squads for assassination but who have not been able to leave the country.

Both Western and Communist bloc countries have already given asylum to 3,000 of these refugees. To date, the United States has done nothing. Certainly, the United States has a responsibility to do its share in offering asylum to these refugees. To this end, Sen. Edward Kennedy, Congressman Don Fraser, and I have introduced a resolution in Congress asking the Attorney General to parole into the U.S. those refugees in Argentina in danger of their lives because of their political beliefs.

Our asylum policy should be an even-handed one, offering refuge to those fleeing repression whether it comes from the left or the right. To turn our backs on these refugees in Argentina when we have done so much for those fleeing left-wing repression is utter hypocrisy.

The State Department, in conjunction with the Department of Justice, is empowered to proceed with a parole visa program. I believe rapid implementation of such a program will save the lives of many refugees and may persuade the Argentine government to begin protecting those to whom it has granted asylum.

EDWARD I. KOCH,  
Member of Congress.

WASHINGTON.

## SIX-YEAR-OLD SHOT DOWN

## HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. EDGAR. Mr. Speaker, I strongly oppose moves which would confiscate handguns and deprive our responsible adult citizenry of their constitutional right to bear arms. However, I do believe that we in Congress must work to develop legislation which will provide some modest controls over the manufacture and purchase of these weapons. These regulations, widely backed by police officials across the Nation, would be minimal compared with the kinds of controls we place upon the manufacture, sale, or possession of automobiles and would preserve our freedoms as they save the lives of thousands of innocents.

Nothing speaks more forcefully on the need for controls, than the image

of a child shattered by the blast of a 3-year-old's pistol. Therefore, I would like to present for the information of my fellow Members the following article which appeared as an editorial in the July 31st issue of the Philadelphia Inquirer:

## ONLY A KID, WHAT DID HE KNOW?

In Baltimore a few days ago, a three-year-old boy came across a loaded .357 magnum pistol, owned by his mother's boyfriend, and marched outside and confronted a six-year-old boy named Jeff, with whom he'd been arguing earlier in the day.

"I'm going to shoot you and I'm not going to miss," he said, according to a nine-year-old girl who witnessed the scene. And he pulled the trigger and he didn't miss.

"It was the awfulest thing I ever saw," said the girl. "Jeffrey just stood there for a moment with a big hole in his stomach and blood all over the place. Then he fell over. . . I don't think the little boy knew what he was doing."

Well, as the gun lobbyists might say, guns don't kill people, three-year-old people kill people. And this year once more Congress has succumbed to the threats and blandishments of the gun lobby and refused to enact even modest legislation to control the spread of handguns all over the country.

Every year, more than 10,000 American citizens are slaughtered by handguns. How long do you suppose Congress will go on acting like a three-year-old?

## IMPACT OF INCREASED ELECTRIC COSTS ON LOW-INCOME FAMILIES

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. CARTER. Mr. Speaker, in a recent "Dear Colleague" letter, Congressman ROGERS, chief proponent of the Clean Air Act Amendments of 1976, has stated the impact of his proposals on consumers of electric power will be minimal.

I call to the attention of my colleagues a report by the Environmental Protection Agency, dated February 5, 1976, which concludes the policy of significant deterioration outlined in section 108 of H.R. 10498, together with the new source standards of performance in the legislation, will result in approximately \$28 billion in additional costs to the electric utility industry alone between now and 1990. This is the lowest estimate. If a high growth rate is assumed, a study by the National Economic Research Associates concludes that such additional costs may exceed \$50 billion. It should be noted that both these figures assume a constant 1975 dollar and do not take inflation into account.

East Kentucky Power Cooperative, a company supplying power to rural electric cooperatives, consumer-owned organizations covering over half the Commonwealth of Kentucky, advises me this legislation will mean a 33-percent increase in the cost of power to its residential consumers. Mr. Aubrey J. Wagner, chairman of the Board of the Tennessee Valley Authority, has told me on two separate occasions this legislation, as presently drafted, will mean an expenditure by TVA of \$300 million for the first



year and \$200 million every year thereafter for the foreseeable future. Consumers are already upset by the increasing cost of power. Figures such as those in the EPA report of February 5, the NERA report, from East Kentucky Power and from TVA do not calm my fears of the impact of this legislation on the consumer.

Consumers are feeling the pinch now. To illustrate that point, I submit for the RECORD a copy of a statement made by The Honorable C. Leslie Dawson, Secretary for Human Resources for the Commonwealth of Kentucky, before the Governor's Special Advisory Commission on Electric Utility Rates and Regulation meeting last year in Frankfort, Ky. This statement is of fact rather than projection. While these figures pertain only to Kentucky, I feel them to be an indication of the problems facing many citizens who must live on limited or fixed incomes throughout the Nation.

#### IMPACT OF INCREASED ELECTRIC COSTS ON LOW-INCOME FAMILIES

In opening my remarks, I feel that it is important that we recognize the contribution Governor Carroll has made in the public interest by appointing this Special Advisory Commission on electric rates. Increases in electric rates in recent months have jolted families at all levels.

These increases in combination with other inflationary costs have disrupted the life style and family budgets of even middle income families. The effect on low income families has been devastating.

I appear before you today to neither discuss the cause nor offer solutions to the unprecedented price increases which have occurred in electric rates in recent months. That is a responsibility of others at the present including this Commission.

My purpose is to impress upon you and hopefully the general public, the alarming effect that these increases have had on the elderly, the unemployed, dependent families and other fixed and low income families.

The category of citizens to which I refer and which are served through the programs administered by the Department for Human Resources include the older, or aged American, blind, and disabled individuals and families of all ages and circumstances requiring assistance with medical bills through the state Medicaid program; hundreds of thousands of citizens requiring assistance with food costs through the Food Stamp program; a growing number of families with dependent children whose father is absent or unemployed requiring a monthly cash income under the Aid to Families with Dependent Children program; and lastly, the thousands of families affected by the economic recession who must now make ends meet on a substantially reduced income provided through the Unemployment Insurance program.

These groups represent one-fifth of the population of the Commonwealth.

On a monthly basis the Department, through the Income Maintenance programs mentioned above, is attempting to meet the basic economic needs of over 600 thousand of Kentucky's citizens. The combined expenditure of funds in this effort has now reached a level of \$600 million annually. This represents an increase of 60.9 percent in the last year alone.

Funding increases provided through state budget appropriations and Congressional legislation which were designed to maintain a minimum standard of living have been virtually nullified in recent months by only one aspect of basic living cost—that being household utilities. The principle item among

these being electricity which is a necessary commodity in all homes.

Staff analysts in the Department, while not having full access to utility cost data, which hopefully will be obtained by this Commission, have estimated that electrical utility rates on an average have increased by at least 56 percent in the last 24 months, most of this occurring in the last few months. Because of variations in the cost of generating electricity in different areas of the state, this increase is vastly understated for specific communities and regions.

First reaction to the substantial increase in total expenditures for the Income Maintenance programs, which has occurred in the past year, is understandably disturbing and is of concern to me personally.

Part of the increase is, of course, due to an increase in the number of program participant attributable to the recession. However to place the increase in payment levels in the proper perspective, it must be recognized that they are predominantly the result of a vicious cycle of cost of living increases with efforts to maintain reasonable parity with those increases.

In support of this statement, it can be demonstrated in individual programs that, even though substantial, these increases in program expenditures have not only failed to keep pace with the aggregate cost of living spiral, but do not even compensate in some instances for recent increases in electrical utility costs.

To illustrate this generalization. Let us now look at some specific programs and relate the payment increases which have been provided within the past year to the single cost item of electricity.

In the Income Maintenance payments to aged, blind and disabled persons which is paid to recipients by the Federal Government under the federal Supplemental Security Income program, Congress legislated annual cost of living increases in the payment level to prevent deterioration in the minimal standard of living provided under the program.

In July, 1974, a single aged, blind and disabled person, without the benefit of a state funded supplementation payment, was entitled to \$146. As of July, 1975, the payment level was increased by 8 percent to about \$158 or only a \$12 monthly increase in the benefit level for the 100 thousand aged and disabled individuals in Kentucky depending on that program.

In the absence of any further legislative action, this payment rate will remain in effect until July, 1976. While conceding that there are other items for which the same analogy could be made, we can state without reservation that the increases which have taken place in electrical utility rates just within the past few months have more than nullified this increase. As a result, available income for other necessities has actually declined.

In the federal-state money payment program for families with dependent children, the 1974 legislature provided funds for the first substantial increase in that program since 1966. Utilizing these additional funds the Department increased the monthly AFDC payment for an average family of 4 in October, 1974, from \$181 to \$235. The official poverty index level for a family of 4 is \$420 per month; the AFDC payment, including the increase, represents only 56% of the official poverty income level. This increase, while representing a substantial commitment of additional state and federal funds, represented a monthly increase of only about \$13 per person. Since few welfare families have a multitude of electrical appliances which in other circles are considered necessities, their electric bills are considerably lower than other households. Nevertheless, in some areas

of the state at least one-fourth of this \$54 per month increase for AFDC families has been absorbed within the past few months by increases in electric bills alone. As you are aware, in some areas of the state the add-on fuel adjustment to electric bills, which is the utility production cost which is permitted to be passed on to the consumer, is as high as 60% of the base rate.

To demonstrate this point further, analysis shows that while the AFDC benefit level was increased by 30%, total utility costs, including electric utilities, for dependent families have increased by 75%, primarily in the past year. This alone has absorbed one-half of the increased payment level.

Thus far, we have been illustrating the almost untenable position of individuals and families dependent on public assistance programs. Let us also consider the impact of these alarming increases in electrical costs on a moderate or middle income family who must now depend on Unemployment Insurance benefits as a result of loss of employment during this recessionary period. Under this program, the average weekly payment is about \$65 or \$282 per month. Utility costs for this type household may be expected to be substantially higher than those of lower income or dependent families. Living costs do not immediately drop with the loss of employment without drastic changes in the standard of living or life style. In the typical middle class suburban home, electric bills of \$50 to \$75 are not at all uncommon. As a result, this single item of household expense may require as much as 25% of the Unemployment benefit payment available to the family.

To meet other necessary expenses in this type of situation, there is firsthand knowledge of families having to reduce usage of household appliances in order to lower the monthly electric bill. While there may be second wage earners in some of these families, there are currently 75 thousand individuals or families in Kentucky depending on Unemployment Insurance benefit payments.

Having attempted to relate the impact of rising electric costs on individual households and welfare expenditures, there is also the indirect effect on the cost of supporting needy individuals who are unable to remain in their own homes. There are about 11,500 aged and disabled people who requires group living arrangements to accommodate Personal Care or Medical needs. Institutional costs under the State Supplementation and Medicaid program have increased by \$16.8 million in the past year and the Department is being petitioned for additional increases in the payment rates for this type of institutional care. A factor in these increasing costs of institutional care is utilities of which electric costs is the largest item.

In addition to those served through the Income Maintenance programs of the Department, the rising cost of utilities also impacts heavily on other low income families.

Having to cope with a 56% increase in electric costs during recent months has placed many of these families in an untenable position. Income must be diverted from other basic needs or electric usage reduced. However, at this low income level, the ability to divert funds from one budget area to another is extremely limited.

In order that we may not lose sight of the total picture, let us keep in mind that we have zeroed in on only one aspect of increasing costs. In addition to shelter, food, clothing, medical and transportation cost increases which are impacting families at all income levels, utilities other than electricity have increased to the point of virtually pricing low income families out of the market.

The cost of coal, which of course is related to electrical rates, has skyrocketed over the

past two years. In 1973, a ton of Western Kentucky coal averaged about \$11 and Eastern Kentucky coal, \$14. Today the average cost is \$27 and \$42 respectively.

Effectively, this means that the price of coal has increased by 145 to 200 percent. Other utility costs have undergone similar increases. Over the past two years, natural gas has increased by over 100 percent. The cost of water has gone up 15 percent and fuel oil which was almost out of the reach of most households for heating purposes has increased by some 90 percent.

Finally, I would like to point out that the Department is confronted with additional costs which indirectly affect the clients of this Department. I think just pointing out a comparison between May-June of 1974 and May-June of 1975, costs for electricity will graphically demonstrate the point.

In fiscal year 1974, we paid \$1,139,294 for our utility service, and in Fiscal Year 1975, the utility cost was \$1,731,726. This represents a 52 percent increase.

#### INCREASED PUBLIC UTILITIES RATES

Kentucky citizens have paid steadily increased rates for public utilities over the past several years. The information contained in the table below was obtained from the Public Service Commission which has regulating authority over the utilities. This information reveals that rates for electricity, gas, and water have risen steadily from 1970 through 1972.

Average monthly utility rates	1970	1971	1972
<b>Private electric utilities:</b>			
Average residential cost per kilowatt-hour	\$0.0214	\$0.0214	\$0.0216
Average residential monthly bill	10.95	11.54	12.26
Percent increase		(5.4)	(6.2)
<b>Rural electric co-ops:</b>			
Average residential and rural cost per kilowatt-hour	.0167	.0189	.0190
Average residential and rural monthly bill	11.93	13.71	14.38
Percent increase		(15.0)	(4.9)
<b>Gas:</b>			
Average residential cost per thousand cubic feet	.84	.89	.94
Average residential monthly bill	10.78	11.05	11.93
Percent increase		(2.5)	(8.0)
<b>Private water utilities:</b>			
Average residential cost per M-gallons	.86	1.01	1.01
Average residential monthly bill	4.75	5.36	5.68
Percent increase		(13.0)	(6.0)
<b>Water districts and associations:</b>			
Average residential cost per M-gallons	1.22	1.38	1.43
Average residential monthly bill	6.33	6.94	7.40
Percent increase		(9.6)	(6.6)

It should be noted that because of the demand for water and electricity, it has been necessary to meet this demand throughout the State by having both privately owned utilities companies and cooperative corporations.

In addition to the above information, a 1974 publication from the Federal Power Commission indicates that the national average residential electric bill continued to rise throughout 1973. According to this publication, between January 1, 1973 and January 1, 1974, average electric bills were higher than at any time during the previous 39 years. The Federal Power Commission conducted a survey and found that the East South Central region which includes Kentucky has traditionally had the lowest average monthly electric bills. The low bills of this region result largely from the influence of low-cost electric power available from the Tennessee Valley Authority.

The cost of coal in Kentucky has also increased significantly over the past few years.

Island Creek Coal Company economists report the following increases in the price of coal per ton in both Eastern and Western Kentucky:

July 1973, Eastern Kentucky, \$14; Western Kentucky, \$11.

July 1974, Eastern Kentucky, \$27 (93 percent increase); Western Kentucky, \$14 (27 percent increase).

July 1975, Eastern Kentucky, \$42 (56 percent increase); Western Kentucky, \$27 (93 percent increase).

It should be noted that these figures are averages and that in different months over the past two years the price of coal has soared to \$50 and \$75 per ton primarily because of the Arab oil embargo. The reason that coal is cheaper in Western Kentucky is because of the mining methods used and because of the BTU content.

The price of heating oil has greatly increased over the past few years. A representative from the Shell Oil Company reports that the price of heating oil per gallon in July of 1973 was 20.5 cents; in July of 1974, it was 35.3 cents per gallon and by July of 1975, it has climbed to 38.9 cents per gallon. There is not one company that supplies the majority of heating oil to Kentucky residents and the prices quoted by the Shell Company are felt to be representative of other companies throughout the state. The prices are very close to the statewide average cost of heating oil as reported by the Kentucky Petroleum Council.

#### UTILITY RATES AND RESIDENTIAL COSTS<sup>1</sup>

Type of utility service	July 1973	July 1975	Percent change
<b>Electric:</b>			
Average residential cost per kilowatt-hour	\$0.0218	\$0.0339	55.5
Average monthly bill	13.02	20.25	
<b>Natural gas:</b>			
Average residential cost per 1,000 cubic feet	.99	2.00	102.0
Average monthly bill	12.88	26.02	
<b>Water:</b>			
Average residential cost per M-gallons	1.28	1.47	14.8
Average monthly bill	6.95	7.98	
<b>Coal:</b>			
Average cost per ton:			
Eastern Kentucky	14.00	42.00	200.0
Western Kentucky	11.00	27.00	145.5
Estimated annual residential cost with 7-ton usage:			
Eastern Kentucky	98.00	294.00	
Western Kentucky	77.00	189.00	
<b>Fuel oil:</b>			
Average cost per gallon	.205	.389	89.8
Estimated annual residential cost with 1,750 gallon usage	358.75	680.75	

<sup>1</sup> Represents projections based on latest available data from the Public Service Commission and public and private utility companies.

<sup>2</sup> Includes an estimated fuel adjustment equivalent to 30 percent.

<sup>3</sup> Estimated assuming same rate of usage as in July 1973 and therefore a percentage increase comparable to the rate change.

#### PROJECTED EFFECT ON AN AFDC FAMILY OF 4, ASSUMES AVERAGE UTILIZATION AND COST

Type of utility	1973	1975	Percent change
<b>Estimated annual utility cost:</b>			
Electric	\$156.24	\$243.00	
Water	83.40	95.76	
Coal (Eastern Kentucky)	98.00	294.00	
Gas	154.56	312.24	
Heating oil	358.75	680.75	
Total with coal	337.64	632.76	87.4
Total with gas	394.20	651.00	65.1
Total with heating oil	598.39	1,019.51	70.4
Annual AFDC payment	2,052.00	2,820.00	37.4
<b>Utilities as percent of total income:</b>			
Using coal	16.5	22.4	
Using gas	19.2	23.1	
Using heating oil	29.2	36.2	

#### PROJECTED IMPACT ON AN SSI AGED COUPLE, ASSUMING 25% LESS UTILIZATION THAN FAMILY OF 4

<b>Estimated annual utility cost:</b>			
Total with coal	\$253.23	\$474.57	87.4
Total with gas	295.65	488.25	65.1
Total with heating oil	448.79	764.63	70.4
Annual SSI payment	2,280.00	2,839.00	24.5
<b>Utilities as percent of total:</b>			
Using coal	11.1	16.7	
Using gas	13.0	17.2	
Using heating oil	19.7	26.9	

#### GRUMMAN AEROSPACE—A PROUD PAST AND AN EXCITING FUTURE

#### HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. AMBRO. Mr. Speaker, the summer issue of "40" magazine has published an article detailing some of the recent successes of Grumman Aerospace, an employer of 20,000 located in Bethpage, N.Y. This highly respected corporation, which is an asset to the congressional district that I am proud to represent, has long been known for its technological expertise.

Grumman's most famous accomplishments include the production of high performance military aircraft and the creation of the Apollo lunar excursion module. In response to the aerospace industry's slump of the early 1970's, however, Grumman has become a highly diversified company as well. In addition to its continued work on military aircraft and on the space program, Grumman is conducting trailblazing research into nuclear, solar, and wind energy, is beginning to market a new Dormavac food shipping container which can greatly extend the fresh life of many perishable foods during transportation and storage, and is now marketing many more familiar items such as aluminum canoes, trucks, and ambulances. Thanks to this diversification program, Grumman has posted 3 consecutive years of profits, reaching a record level of sales in 1975.

Playing a crucial role in this tremendous success are Grumman's employees who have long been known for their professionalism and workmanship. Without the dedication and excellence of these highly skilled individuals, the lunar excursion module may not have been the success it was in assuring the safe landing of our astronauts on the Moon. The employees of Grumman are a credit to the company for which they work, to the communities in which they live, and to their Nation.

I commend to my colleagues this highly informative article by Richard Rodriguez which reflects the tremendous spirit of this highly successful corporation:

#### LOOKING BEYOND THE MILITARY HORIZONS

(By Richard Rodriguez)

To anyone who responds to the inspiring strains of "Off we go, into the wild blue yonder," the name Grumman evokes visions of sleek fighting jets streaking off in a burst of glory to protect our American way of life. And this response is altogether appropriate, considering the vital role that Grumman has played in delivering the high performance



aircraft which have seen our airborne forces through the perils of World War II and many smaller scale conflicts before and since.

But today, the mention of the name Grumman is just as likely to sound a less martial note with the listener. We are not involved in a "hot" war, and diplomacy and caution have become the watchwords of our delicately balanced national foreign policy. Moreover, defense contracts, although higher in dollar value than ever due to the ravaging effects of inflation, are actually fewer in number. Consequently the few "plum" contracts available are not enough to go around the large circle of competitive contractors, invariably leaving manufacturers in a "feast or famine" condition. Grumman has felt the effects of this uneven funding system as much as any other defense contractor, as evidenced by the disappointing losses the company suffered in 1971 and 1972.

Therefore, in the best American tradition of ingenuity and flexibility, Grumman is now focusing its technological proficiency into an increasing number of non-military commercial ventures—some quite glamorous, leading to spectacular achievements like the creation of the Apollo Lunar Module built by the Grumman Aerospace team, and some not so glamorous, but useful to man in a variety of ways.

Grumman Corporation President Joseph G. Gavin, Jr. summed up the new diversification spirit at Grumman this way in an exclusive "40" interview: "We are a consolidation of technical expertise looking for new markets." To demonstrate this technical competence, Gavin pointed out how Princeton University researchers seeking to design a functional nuclear fusion test reactor have called upon Grumman engineers to help them build the systems necessary to withstand the high temperatures and pressures involved, an experiment which will break new ground in this area of research.

On a separate energy front, Gavin also remarked that the Electric Power Research Institute, a private research organization supported by major utility companies, has asked Grumman to investigate new low cost method of uranium enrichment for use in nuclear power plants. Moreover, according to Gavin, new energy forms are not the only ones Grumman finds worth exploring. Company researchers are also hard at work under an Energy Research and Development Agency (ERDA) grant looking into the feasibility of a new two-stage turbine for the generation of electricity by wind power.

Meanwhile, the Sunstream™ Division of Grumman Houston Corporation has also made impressive advances in the area of solar energy, to the point where a variety of Solar Domestic Hot Water Systems are now commercially available.

The widespread respect for Grumman technical know-how has also earned the company a place on the frontiers of aerospace research. For several years, Grumman has been assisting NASA in the development of the world's first satellite solar power station (SSPS), an orbiting utility plant which is hoped to be able to deliver up to 5000 megawatts of electricity to Earth by the end of this century. Grumman also recently delivered the first of five pairs of wings promised for the Space Shuttle Orbiter now being built by Rockwell International, a reusable space vehicle which will be able to carry passengers or cargo to and from Earth orbit, and also fly in the atmosphere like a conventional aircraft.

Grumman's marketing efforts also extend far beyond the horizons of aerospace technology. Some of the more familiar aspects of its corporate programs include the manufacture of aluminum canoes, truck and van bodies, buses, ambulances, light private aircraft, cropdusters, hydrofoils, and most recently, the first corporate/private jet with

non-stop transatlantic crossing capability, the 600 mph Gulfstream II.

Other Grumman subsidiaries include: the Pearson Yacht Company, a leading manufacturer of private luxury sailboats and cruising yachts—the Wormuth Brothers Foundry, a mold making company competing in industrial markets—Grumman Allied, which numbers among its inventions a unique electronic fire hose nozzle—Grumman Data Systems, operating in the computer hardware and software field—and Grumman Ecosystems, a designer of environmental products and services such as the regional sewage treatment plant now under construction in West Palm Beach, Florida.

The Grumman Health Systems division is actively involved in supplying the growing market for ultrasonic diagnostic equipment, and is currently working with Duke University specialists on the creation of an advanced ultrasound system that will generate a three-dimensional image of the beating heart for safe, efficient viewing.

But perhaps the recent Grumman product with the greatest potential for substantial commercial impact is the unique Dormavac shipping container—a pressurized vessel which modulates its own interior humidity and temperature and preserves meat, produce, or other perishables without freezing them, greatly extending the fresh line of these perishables during transportation and storage. For examples, tests have shown that chicken can retain its freshness up to 21 days in this controlled environment. As Mr. Gavin pointed out, "Maybe now the folks on the Eastern seaboard will be able to enjoy the taste of fresh pineapples right in their own homes. We also feel that this product can be useful in normalizing the uneven cycles of crop harvesting, so that a greater regularity of availability and delivery of all perishables can be achieved." The Dormavac is currently being tested by Armour Foods to provide further product performance evaluation and economic data prior to wide scale marketing.

Partly as a result of this forward looking diversification policy, Grumman has reversed the nosedive of its financial misfortunes in the early 70's. In 1975, the company posted its third straight year of profits, along with record sales of \$1.323 billion.

But the next few years will be a critical period, testing Grumman's ability to survive the vicissitudes of the military market. The company still owes better than half its sales to its controversial bread and butter product: the F-14 Tomcat air superiority fighter, the future of which is now threatened by critics such as Rep. Edward Koch (D-NY) and Rep. Les Aspin (D-Wis) for its high cost and questionable reliability record. Grumman has already delivered almost 200 of these high speed aircraft to the U.S. Navy at an average of \$10-11 million per copy, and has a backlog of domestic and foreign orders for at least several hundred more. Many critics, however, favor the purchase of lighter and less expensive jet fighters available from other U.S. manufacturers, even though they lack the demonstrated air supremacy characteristics of the F-14.

Grumman spokesmen are quick to defend their product. George M. Skurla, the colorful and feisty Chairman of Grumman Aerospace (the Grumman division which manufactures the F-14), contends that sending up a fleet of any fighter other than an F-14 against its formidable Russian counterpart, the Foxbat, is "equivalent to sending up a fleet of mosquitoes against a can of Raid." And Grumman Vice President Michael Pellehach answers criticism of the F-14's oversophistication by asserting that, if anything, the F-14 is not enough. Citing Russian missile capabilities exceeding 3 mach (three times the speed of sound, or over 2,000 miles per

hour) at a ceiling exceeding 80,000 feet, Pellehach points out how even the F-14's extraordinary 2.38 mach capability and 87,000 foot operating ceiling fall short of an ideal missile intercept capability for the U.S. air forces. Anything less, according to Pellehach, would be a disaster.

In our interview, Mr. Gavin also indicated what he considers to be inaccuracies in the general reporting of the price tag on the F-14. He contends that although the initial start-up costs of producing any fighter aircraft are high, the average unit cost diminishes each year as R&D costs are amortized over a longer period of time. Therefore, the high program costs most often quoted in connection with the F-14 can be misleading when compared with the true "fly-away" cost of delivering one unit.

The debate over the F-14 promises to continue over the coming years, influenced by the economic climate and the changing profile of our military requirements. And there is no question that Grumman would be hard pressed to fill the huge sales gap that would be left by a Navy phaseout of the F-14, a fact which the company may be implicitly acknowledging by its energetic efforts in the commercial sector.

Regardless of the outcome of the F-14 debate, however, it should be recognized that Grumman is a vitally needed resource to our country—as an employer of 20,000 Americans, as a company with a proud tradition of participation in many of the events that have shaped world history, and as a key resource of the technology so necessary to maintain a confident national posture of both military readiness and commercial progress. Within the sprawling complex of buildings that comprises the company's headquarters in Bethpage, Long Island, we found a pronounced human spirit of pride in profession and purposeful energy and activity, the kind of spirit that turns problems into solutions and projects great optimism for Grumman's future.

## EMISSION STANDARDS

### HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. MILFORD. Mr. Speaker, an old saying maintains that, "time is money." While we have been spinning our wheels in formulating new auto emission standards, we have slowed, if not stopped, the wheels of production in the auto industry. In the meantime, inflation rolls along unchecked and aided by these delays.

An editorial in Monday's Dallas Morning News, August 1, 1976, expands on this situation. I share it with my colleagues:

#### AUTO CONTROLS: SUMMER OF INDECISION

Congress, in this political year, seems much like the cow that starved to death while standing between two bales of hay. It just couldn't make up its mind which one to eat.

But unlike the cow whose ineptness led to its own downfall, when Congress fails to act the public does the starving.

All summer there has been inaction on the issue of revising auto emission standards for 1978 and later-year models. Meanwhile, the clock keeps ticking on its way to the fall of 1977—just a little more than a year from now—when 1978 models go on sale.

More than a year ago Russell Train, the Environmental Protection Agency Administrator, recommended a program for long-

term auto emission control. Since that time, committees of both houses of Congress have considered amendments at length. Both committees introduced bills months ago.

But with summer fading, auto manufacturers still have no decision on standards to be met for the 1978 and later-model cars.

Already the delay has caused major disruption in the production cycle for 1978-model cars, industry spokesmen say. Continued congressional inaction on this issue will result in higher costs as the industry tries to make up for lost time and to meet its showroom deadlines.

Guess who will pay those extra costs. New car buyers, of course. Certainly not the Congress. By that time it will be wasting money in other ways.

The normal procedure, according to the auto industry, is that auto manufacturers begin submitting engineering information—including data on emission control systems—during the summer of each year for the cars to be introduced in the fall of the following year. Thus, such data should be submitted now for 1978-model cars.

Also, initial engineering and design programs should be under way now for 1979 models.

If a decision on auto emission standards is not reached soon, the planning and certification for those 1979 models will be marked by the same confusion and uncertainty that have plagued development of cars for the 1978-model year, says the Motor Vehicle Manufacturers Association.

In voting controls and regulations on businesses, Congress, in effect, assumes a responsibility for sharing in the management of those regulated businesses. Its actions play a major role in their successes or failures.

But so can its inactions and indecisions. Uncertainty is one of the dangerous corridors of business. And of all business uncertainties, perhaps the most hazardous is the uncertainty as to what government regulation will be.

Congress needs to reduce to a minimum this hazard it creates, and for which the public must pay a price.

**MR. JOHN MCGUINNESS, OFFICE OF THE ATTENDING PHYSICIAN, U.S. CAPITOL, RETIRES ON JULY 30, 1976**

### **HON. CHARLES J. CARNEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 2, 1976*

**Mr. CARNEY.** Mr. Speaker, it has been brought to my attention that Mr. John McGuinness has recently retired from the Office of the Attending Physician of the U.S. Capitol.

I would like to take this opportunity to commend Mr. McGuinness for his outstanding service to his country. John McGuinness served in the U.S. Navy for 20 years—from 1942 to 1962—and he served in the Office of the Attending Physician of the U.S. Capitol for 22 years—from 1954 to 1976—a total of 34 years of dedicated public service.

Because of his genuine concern for the health of the Members of Congress, he has attained the admiration and the respect of my colleagues and myself.

A native of Connecticut, he has demonstrated his care about people through his love of medicine. His devotion to duty and his warm and charming personality

have made him a valuable asset to the Office of the Attending Physician.

Mr. McGuinness is an excellent representative of the U.S. Navy, and he has served both the Navy and the Congress with great distinction. All of us on Capitol Hill will truly miss a good friend.

I know that my colleagues join with me in extending sincere congratulations to John McGuinness for a job well done, and in wishing him and his family good health and happiness in the future.

### **THE DILEMMA OF ENERGY POLICY**

#### **HON. PATRICIA SCHROEDER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 2, 1976*

**Mrs. SCHROEDER.** Mr. Speaker, the past several years have seen Congress and the President tussle unsuccessfully with developing a national energy strategy. Not only are Congress and the President divided, but within the legislative branch the committees display mutual distrust and jurisdictional chauvinism. Likewise, within the executive branch similar disruptions occur.

The April 1976, Harvard Journal On Legislation, contains an article, "Prices and Incomes: The Dilemma of Energy Policy," which discusses the inability of our Government to face up to its responsibilities. The author, Gerard M. Brannon, is an economist wise in the ways of political process. He uses the 1975 debate over crude oil policy as a case study of how the legislative and executive branches deal, ineffectively, he concludes, with price-income issues.

"Prices and Incomes," is too lengthy to reproduce here, so I recommend that my colleagues obtain a copy from the Library.

In brief, Professor Brannon asserts that our country's consensus goals—to reduce dependence on imported oil and to develop alternative energy sources, can be attained through a method that is both economically efficient and equitable to everyone. The method he proposes is a free market program—decontrol—coupled with windfall taxes and income transfer to consumers.

Professor Brannon argues further that continued price control is "a blatant encouragement to high energy consumption and waste," as well as an economic impediment to the development of alternative energy sources.

From the observations Professor Brannon makes, we can extrapolate the economic wrongs that will be perpetuated by the Nuclear Assurance Act and the synthetic fuel subsidy bill.

Both bills are examples of Government support and control of energy production to the exclusion of free-market production and energy conservation. Nuclear energy, synthetic gas from coal, and synthetic oil from shale will be subsidized in the production stage and in the marketplace by guaranteed loans, price supports, and the like.

We are duplicating our folly. As a re-

sult of pressures for cheap and abundant fuels and the aversion our entrepreneurial class has for anything that smacked of free enterprise, we will have another artificial set-up like the present oil and gas market.

As a result, solar energy, the one energy source with a potential to be both cheap and abundant, is overshadowed by the false economies we construct for coal, oil shale, and nuclear energy. These false economies have already eliminated the windmills and solar water heaters which used to abound in the South. Meanwhile, the rest of the energy-consuming world looks on as the United States continues to gulp up one-third of the annual world energy production.

### **A TRIBUTE TO JOHN MCGUINNESS**

#### **HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 2, 1976*

**Mr. ANDERSON of California.** Mr. Speaker, while Congress is busy healing the Nation's wounds and mending its faults, one individual has remained dedicated to making it all possible with the fullest of representation, by helping to return to those Members—who are afflicted with aches and pains of their own—the prosperity of health.

Today I am proud to take this opportunity to recognize John McGuinness, who for the past 22 years, has dedicated both his time and energy, displaying outstanding service in his capacity of medical assistant to the Office of the Attending Physician. It is however, regrettable at this time, we must commemorate his retirement from that service, effective July 30, 1976.

John McGuinness, enlisted in the U.S. Navy in August of 1942. His devotion and skill in the field of medicine was rewarded by steady advancement, when in 1952, he achieved the prestigious rating of chief hospital corpsman. While in the Navy, John served with the 69th Naval Construction Battalion-North Atlantic; the U.S. Naval base in New London, Conn.; the Reserve Fleet in Charleston, S.C.; the U.S.S. *Yellowstone*; the Naval Research Institute; and, in Naples, Italy. With his assignment to the Office of the Attending Physician, in 1954, John McGuinness brought with him a background of outstanding naval service, a tradition of the highest order he will no doubt continue to carry on for the remainder of his life.

For more than two decades, John's competence and eagerness to serve have earned him the respect so deserving a man of his position. But perhaps a more appropriate reflection of his character was the warmth and personal charm he displayed, endearing him to many of the Members of the House and the other body as well. I believe I speak for all of my colleagues when I say John's presence on the Hill will greatly be missed. But with him go our best wishes for a more fulfilling life to be spent with his wife Irene, his



daughters Linda Davajon and Janet Mewhort, and his grandson Jonathon.

#### MORE ON AUTO INDUSTRY PROFITS AND THE CLEAN AIR ACT

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. BROWN of California. Mr. Speaker, last week I placed in the CONGRESSIONAL RECORD a speech entitled "Record Auto Industry Profits Undermine the Dingell-Broyhill Amendment."

In that insert, which can be found on page 24827 of the July 30, CONGRESSIONAL RECORD, I omitted reference to the third of the Big Three auto companies, the Chrysler Corp.

This oversight is regrettable, especially since Chrysler had its best quarterly profits ever in its 51 years of existence. Since the chairman of the board of Chrysler recently wrote to all Members of Congress urging delays in auto emission controls, largely in the name of the consumer, I believe this all-time record profit should be more widely publicized.

Chrysler, it should be noted, was characterized by former EPA Administrator, William Ruckelshaus as the most recalcitrant auto company for their actions in delaying meeting auto emissions laws.

This company wrote July 29 to urge support of the Dingell-Broyhill amendments to the Clean Air Act, out of concern, they said, for consumer costs. Frankly, the costs of providing these record profits concerns me more than the costs of pollution controls to reduce the health costs of continued pollution. I wish to note this hypocrisy on the part of the auto companies, and urge your support of the Waxman-Maguire auto emission amendment, which guarantees continued improvement in air quality while extending the date for meeting the necessary, more stringent standards, to allow for a reasonable time for industry to retool.

The article on Chrysler's profits follows:

[From the Los Angeles Times, July 27, 1976]  
**CHRYSLER SETS PROFIT MARK IN SECOND QUARTER—3-MONTH RESULTS BEST IN 51 YEARS, AUTO MAKER SAYS**

DETROIT.—Chrysler Corp. Monday reported all-time record earnings of \$155.1 million for the second quarter of 1976, compared with a \$58.7 million loss in the same 1975 quarter.

The nation's No. 3 auto maker also reported record quarterly sales of \$4.1 billion, up 41% from \$2.9 billion from last year's April-June quarter.

Chrysler said its net profits, equal to \$2.58 a share, included an extraordinary tax credit of \$30 million, or 50 cents a share. Even without the credit, the firm's earnings were the highest for any quarter in its 51-year history.

The company's previous second quarter earnings record was \$108.6 million in the boom year of 1973. The previous record for any quarter was \$112.3 million in the fourth quarter of 1968.

For the first six months of the year, Chrysler reported record net earnings of \$227.2 million or \$3.78 a share on sales of \$7.7 billion. First-half profits, which include \$45 million in tax credits, surpassed the previous

record of \$198.3 million set in the first six months of 1973.

The firm had net losses of \$152.8 million in the first half of 1975 on sales of \$5.5 billion.

Chrysler's second-quarter earnings, substantially higher than most financial analysts had predicted, provided another indication of the firm's dramatic turnaround from record losses during last year's industry recession.

Chrysler had lost money for six consecutive quarters until turning a \$72 million profit in the first quarter of this year. Prior to that, the firm had built up total losses of \$312 million since mid-1974, including a record \$259.5 million loss for 1975.

Analysts attributed the firm's profit resurgence to a robust recovery in the U.S. new car market since last fall.

#### SEAPOW MAGAZINE EXAGGERATES SOVIET NAVY, UNDERRATES U.S. FLEET

**HON. ROBERT L. LEGGETT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. LEGGETT. Mr. Speaker, the July 1976 issue of Seapower magazine carried a table comparing the United States and Soviet fleets. For 1975, the alleged numbers of "total ships" were United States 496, Soviet Union 2,260. For "operational days out of coastal area," the figures were United States 61,300, Soviet Union 53,100.

I have never placed much stock in such simplified measures. In order to have even a remotely valid idea of the combat effectiveness of a fleet, you have to consider a long list of variables including, but not limited to: Weapon range, accuracy, and power; ship speed, maneuverability, and endurance; submarine quieting; command, control, and communication; overall systems reliability; crew training, initiative, and motivation. If these factors are not considered, more superficial measures are of little or no validity.

But let us take Seapower magazine's figures as they were offered, and examine them more closely.

To begin with, what is the definition of a "ship"? I would begin by including only combat ships, since it is these which fight the battles, and since combat ship deployments are the de facto measure of supply effectiveness. Next, I believe we must set minimum displacement of about 3,000 tons; smaller than this is of little use on the high seas and is, in fact, smaller than our newer Coast Guard cutters. We should also consider only those attack submarines which are nuclear powered, since these are the only ones which can operate with speed and endurance while fully submerged.

On this basis, the United States has 194 major surface combatants plus 62 nuclear attack submarines, totalling 256 major combatants. The Soviet Union has 120 surface combatants plus 75 nuclear attack submarines, totalling 195 major combatants. Thus, to whatever extent ship numbers have meaning, they show the United States with a 31-percent superiority.

Now let us consider ship days on dis-

tant deployment. According to a graph released by Secretary of Defense Donald Rumsfeld on March 8, 1976, the United States had in 1975 approximately 38,000 combatant ship days on distant deployment, while the Soviet Union had approximately 17,000 combatant ship days on distant deployment during the same period. By this measure, the United States is 124 percent superior. These figures include all combat ships over 1,000 tons. I do not have ship-day figures for ships over 3,000 tons; these would favor the United States by a wider margin. Total tonnage or ton-day figures would favor the United States by a wider margin still.

In short, let us not sell the U.S. Navy short. The Soviet Navy has come a long way, but it has an even longer way to go.

#### WOMEN'S RIGHTS IN THE DEMOCRATIC PLATFORM

**HON. BELLA S. ABZUG**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Ms. ABZUG. Mr. Speaker, Democratic women and all women can take pride in the recognition of women's concerns in the Democratic platform. The inequities that women face throughout our economic and social system are legion. The party platform addresses these issues head on.

Marilyn Marcossan, a valuable former member of my staff, has written an article for the Women's Political Times—the new newspaper of the National Women's Political Caucus—that relates what is in the platform and how the document was put together. I commend the article to the attention of my colleagues:

#### WOMEN'S CONCERNS RECOGNIZED IN DEMOCRATIC PLATFORM

(By Marilyn Marcossan)

The Democratic Party Platform as approved by the Platform Committee on June 15, 1976, includes significant sections on the role of women and minorities in American life.

Included in the platform for the first time is support for the 1973 Supreme Court decision on abortion. The language is similar to the position Jimmy Carter took during the campaign. Absent from the Platform Committee report, which will be presented to the full convention for final approval, is any mention of nondiscrimination on the basis of sexual preference in the civil rights plank. These two issues were among the most hotly contested during the five days of the committee's deliberations.

The Democratic Task Force of the National Women's Political Caucus and the Democratic Women's Agenda '76 (known jointly as the Women's Caucus) submitted language to the Democratic National Committee (DNC) staff for a women's plank. The staff prepared the first set of working papers for the drafting subcommittee. A member of the DNC staff informed representatives of the Women's Caucus that the platform would not contain separate planks on issues of concern to special constituencies; rather, those concerns would be addressed throughout the document. The platform was divided into six areas: Economy; Government Reform; Human Needs; States, Counties and Cities; Natural Resources; and International Relations.

Prior to the first meeting of the drafting subcommittee, members of the Women's Caucus consulted with the DNC staff about which women's issues should be included in the platform. Caucus members reported that the subcommittee felt most of the issues would be noncontroversial except abortion and gay rights.

Five days before the drafting subcommittee met, wording on the abortion issue—supporting the 1973 Supreme Court decision—acceptable to both the Women's Caucus and the DNC staff was agreed upon. This language was to be in the first set of working documents given to the drafting subcommittee.

With the subcommittee slated to begin its meeting on Friday at 8 a.m., the Women's Caucus was told by the DNC late Thursday afternoon that the abortion language previously agreed upon was not going to be included in the draft—that no mention of abortion at all would appear.

Through an intense lobbying effort by the Women's Caucus to the Carter people, in addition to pressure from groups such as the Religious Coalition for Abortion Rights, National Abortion Rights Action League, National Organization for Women and Planned Parenthood, the abortion language was inserted into the draft.

Koryne Horbal, Democratic National Committeewoman from Minnesota and chair of the Democratic Women's Agenda, said: "We let the Carter organization know that their own women were supporting our position and that we had the votes to take this issue to the floor of the full convention for debate on prime time television. We assured the Carter people that Governor Carter himself had no problem with the subject."

Stuart Elzenstat and Joe Duffy, representing the Carter campaign, drafted the following language: "We fully recognize the religious and ethical nature of the concerns which many Americans have on the subject of abortion. We feel, however, that it is undesirable to attempt to amend the U.S. Constitution to overturn the Supreme Court decision in this area."

Leaders of the Women's Caucus viewed this language as a compromise they could live with. They felt it was a breakthrough to get any mention of support for abortion into the platform in view of the pressure from the U.S. Catholic Conference and Right-to-Life movement.

According to a spokeswoman for the Women's Caucus the combination of cooperation from the Carter organization and the pressure exerted by the Caucus successfully kept the abortion language in the platform.

An attempt by delegate Francis McGreavy of Rhode Island to delete the language received only 28 votes of the 153-member committee.

Other areas of concern to women were included in the first working draft or added through the process.

Economy: recognition of the depression-level unemployment among women; full and vigorous enforcement of all equal opportunities, laws and affirmative action; provision of small business opportunities for women; overhaul of the estate and gift tax provisions of Internal Revenue Code; elimination of tax inequities that adversely affect individuals on the basis of sex and marital status; encouragement of flexible work schedules and part-time employment opportunities; support for equal pay for comparable work; and full enforcement of the Equal Credit Opportunity Act.

Government Reform: nondiscrimination and affirmative action in the recruitment, hiring and promotion of civil service employees; recruitment and appointment of women and minorities in public appointments.

Human Needs: an exemption for mothers with dependent children from taking jobs or job training; ratification of the Equal Rights Amendment; implementation of Title IX of a

1972 federal education bill which prohibits any federal aid recipient from practicing sex discrimination against either students or education employees; elimination of discrimination against women in federal programs; abortion language; federally financed developmental day care; fellowships for most talented students, especially among minority groups and women.

States, Counties and Cities: mortgage availability for women; amendment of current rape laws to abolish archaic rules of evidence that discriminate against women.

Mildred Jeffrey, chair of the NWPC Democratic Task Force said: "Overall I am pleased with the platform. The language of the economy section is very important. I would like to have seen other items included, such as gay rights, and particularly those areas such as the comprehensiveness of benefits under a national security system or research into family planning."

Jean O'Leary, a leader of the Gay Rights Task Force, accused the Carter organization of using doubtful parliamentary rulings and arm twisting to keep the issue from any serious consideration. Noting that Governor Carter had said he would sign the 'Abzug sexual preference bill if it came to him while he was president, O'Leary further accused the Carter representatives of not following the Governor's recommendation and allowing discussion to occur.

## THE DEATH PENALTY AND CRIME

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ARCHER. I have been very concerned with the growing problem of crime and especially the suffering encountered by the victims of crime. Unfortunately, there appears to be an undue emphasis on the rights of the criminal rather than considering the rights of the victims who may be killed, seriously injured, or permanently disabled from a criminal attack.

During the past few years a movement gained support in the media as well as some academic areas that we needed to eliminate the death penalty, treat the criminal nicely, and "rehabilitate" him to take a useful place in society. This approach has not been successful. Crime continues to increase and many criminals, freed from prison, commit crimes again.

I have sponsored the death penalty for individuals convicted of committing serious crimes. I wish to include in the CONGRESSIONAL RECORD an excellent column by Pat Buchanan, Chicago Tribune, June 8, 1976, which puts the crime problem and the death penalty in proper perspective. I urge my colleagues to read this column carefully:

#### THE DEATH PENALTY AND CRIME

WASHINGTON.—At the Federal Penitentiary in Lewisburg, Pa., "The going price for murder [is] two cartons of cigarettes." This is the sworn testimony of recently released inmate Francis Marziani.

In the last two years, seven of the 1,600 prisoners at Lewisburg have been stabbed to death. Four were murdered in the same fashion within the last five months.

Marziani, who also says he has been gang-raped and beaten repeatedly, contends the inmates at Lewisburg, not the guards, run the institution.

He says the horrors witnessed in his 15

months of incarceration have convinced him that only the death penalty can deter the convicts.

"Cannibals should not be allowed to rape, maim, and murder . . . where they have nothing to lose," he believes.

In a sense, our society has become something of a macrocosm of Lewisburg. Ever since the criminal justice system abandoned the death penalty as punishment and deterrent, that discarded instrument of justice has been picked up, dusted off, and employed with increasing regularity by the criminal elements of society.

Once again, a bold and progressive idea of postwar liberation has produced the opposite of its desired effect. Eliminating capital punishment, we were told, and emphasizing rehabilitation rather than retribution would make ours a more humane society.

The truth, however, is that the abandonment of the death penalty has accompanied, if not contributed directly to, the nation's descent into the most barbarous civilized society in history.

During the last 15 years, as the execution of criminals has been ruled out as barbaric, the number of murders and manslaughters has doubled, forcible rapes have tripled, robberies have quadrupled.

More than 55,000 American women and girls were raped in 1974; more than 20,000 innocent citizens were executed. The number of criminals who paid for these crimes in the gas chamber or electric chair was zero.

When the electric chair was still a realistic threat to the criminal community, 80 per cent of the killings in New York City involved cases where the killer knew his or her victim. Now, more than one-third involve incidents where the killers never met the victims, where they simply executed witnesses during rapes, robberies, or assaults.

In his excellent new book, "Punishing Criminals," Prof. Ernest van den Haag argues for restoring capital punishment with a logic nearly as convincing as Marziani's.

What other deterrent can there be, the author asks, to prevent the life-term convict from murdering another inmate or a guard—even for "two cartons of cigarettes"? What other penalty will deter kidnapers from murdering their victim, if they know killing will enhance their chances of escaping without increasing the penalty for getting caught?

To suggest that the death penalty is simply legalized murder is as silly as suggesting that arrest and imprisonment are legalized kidnapping and slavery.

Use of the death penalty, that ultimate punishment from which there is no appeal, in capital crimes is the mark of a society which holds dear the life of its citizens. It is the society which holds life cheap that imposes weak penalties for the taking of life.

"Life becomes cheaper as we become kinder to those who take it," Van den Haag writes. For documentation of his argument, one need only read tomorrow's paper, or yesterday's crime reports from the Federal Bureau of Investigation.

Today the burden of proof has shifted onto those who oppose, not those who favor, the death penalty. For if capital punishment does not deter, all we have lost in exacting it is the life of a convicted killer. But if it does deter, by refusing to impose it we have consigned some future innocent victim to death.

## TWO HUNDRED YEARS AGO TODAY

### HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago today, on August 2, 1776, an engrossed copy of the Declaration of Inde-



pendence was signed by the 50 Members of the Continental Congress who were present at the time. In signing the Declaration, the Members committed an act of treason. The danger to them was so great that their names were held secret until January 18, 1777, when the victories at Trenton and Princeton prompted Congress to take the bold step of ordering an authenticated copy of the Declaration and the names of the signers to be sent to each State. Six additional Members later signed the Declaration, bringing the total number of signers to 56.

CORRESPONDENCE FROM  
GEORGE MEANY

HON. PARREN J. MITCHELL  
OF MARYLAND  
IN THE HOUSE OF REPRESENTATIVES  
Monday, August 2, 1976

Mr. MITCHELL of Maryland. Mr. Speaker, on the occasion of the 67th annual convention of the National Association for the Advancement of Colored People—NAACP—in June of this year, in a letter to NAACP Executive Director Roy Wilkins, AFL-CIO President George Meany reaffirms a commitment to help move the discouraged and disadvantaged of America toward a better quality of life. The vehicles that Mr. Meany identifies to accomplish the goal are national policies of "full employment—full production and full enforcement" of civil rights measures.

The text of Mr. Meany's correspondence warrants serious consideration and reflection by all of my colleagues who share a dream of a better nation for all people.

I, therefore, commend these enlightening and heartening thoughts to the Congress:

CORRESPONDENCE FROM  
GEORGE MEANY

It is a pleasure to extend the greetings and good wishes of the AFL-CIO to the officers and delegates to the 67th annual convention of the National Association for the Advancement of Colored People.

And I want to join in the warm tributes that will be paid to you personally as you appear before the NAACP's highest policy-making body as its chief executive officer for the last time.

Over the past two-thirds of a century the NAACP has been one of the strongest and most constructive forces for social progress in America. You have been part of it for more than half of its lifetime and its executive director for nearly a third of it. I know of no other American who has fought as hard for human brotherhood and understanding, for social justice and economic justice, and for mutual progress among your fellow citizens, black and white.

We in labor salute your achievements and wish you a long and happy retirement. And we pledge to continue the close cooperation you have so ably helped to build between the labor movement and the organization you have served so well and so long.

That cooperation is as vital today as it was during the great civil rights battles of the 1960s. The victories we won then in wiping out the legal sanctions of discrimination are still not secure. We are still faced, in some parts of the country, with massive resistance

to school desegregation. We face the sorry spectacle of a President, in a desperate bid for votes, in effect challenging the U.S. Supreme Court's Brown Decision of 22 years ago.

We find reactionaries working, in the name of equal rights, to reinstate discrimination on the job by robbing some workers—black and white—of the rights they have earned by long service in order to give their jobs to younger unemployed workers.

Above all, we see an Administration consciously and deliberately blocking economic growth and social progress, condemning millions to unemployment, perpetuating slums and poverty in the name of "fiscal responsibility."

Today, as throughout the last seven years of stagnation, recession and economic chaos, the AFL-CIO remains committed to affirmative action to give meaning to the promise of equality.

We continue to apprentice minorities and women in the skilled trades category through our apprenticeship and journeyman Outreach programs despite the fact that unemployment in the building and construction trades is over 14 percent, or about 2 percent higher than the unemployment rate for black workers.

Last year we reported to you that more than 37,000 minority youngsters had been enrolled in apprenticeship Outreach programs. As of this year, the number has risen to over 40,000. In other Outreach programs, AFL-CIO unions have issued journeyman cards to more than 13,500 minority youngsters—an increase of more than two thousand over last year.

As of today, we find that blacks make up 19 percent of all incoming apprentices in the building trades unions, a ratio that exceeds the percentage of blacks in the total population. No other institution in the country can equal that record.

Proud as we are of this record and of the efforts our affiliated unions have been making to open the doors to minority workers, we are bitterly aware that this alone cannot begin to solve the problems of millions of black workers and their families.

The solution, of course, is for America to adopt a policy of full employment and full production, along with full enforcement of the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972.

Securing that policy is the AFL-CIO's highest priority. We are engaged in a major effort to secure passage of the Humphrey-Hawkins Full Employment Act of 1976 in order to see to it that there is a job for every American, black or white, male or female, who is able and willing to work.

That was the goal set 30 years ago in the Employment Act of 1946. We intend to see that America achieves that goal now. And we are proud, once again, to be working shoulder-to-shoulder with the NAACP in order to achieve this goal.

We are under no illusions that the present Administration will not resist passage of this legislation with all its strength, including the same presidential veto power that has crushed nearly every measure aimed at helping workers for the past seven years. And we are under no illusions that the present Congress has the strength to override that veto.

But we do intend to fight for passage of the Full Employment Act and for the election of a more compassionate President and a fully responsive Congress.

From now until Election Day the AFL-CIO and its affiliates will be doing their utmost to see that all union members and their families are registered to vote, that they understand the issues, that they know the candidates and their platforms and voting records, and that they go to the polls and vote November 2.

I have every confidence that the members of the NAACP will be doing the same. Nothing is more important than to rally the strength of the labor movement and the civil rights movement at the ballot box if we are to secure the gains already in law but not in practice and to open the door to new progress.

If we do our job, America will take another long step toward a decent living for all.

With warmest best wishes to you, Mr. Wilkins, and to all the NAACP delegates.

THE ELECTOR WHOSE ONE VOTE  
WOULD DECIDE THE CLOSEST  
PRESIDENTIAL ELECTION IN U.S.  
HISTORY

HON. WILLIAM L. HUNGATE

OF MISSOURI  
IN THE HOUSE OF REPRESENTATIVES  
Monday, August 2, 1976

Mr. HUNGATE. Mr. Speaker, the following is an article regarding a native of Bowling Green, Pike County, Mo., who played an important role in our Nation's history at the time of our Centennial:

THE ELECTOR WHOSE ONE VOTE WOULD DECIDE THE CLOSEST PRESIDENTIAL ELECTION IN UNITED STATES HISTORY!

("Foghorn Watts", by Van Watts, Hollywood)  
"The final decision which gave to Foghorn Watts the one vote that made (Rutherford B.) Hayes President (in 1876) is well-known history," wrote Ida Watts Burns years later.

"But just how all this came about is not as well-known. Neither is it well-known that had the new State of Colorado gone Democratic as an overconfident Democratic House of Representatives expected, the Watts vote would not have mattered and possibly would not have been challenged by the opposition."

And in an Electoral College vote of 185 to 184 (Hayes vs. Tilden) "Foghorn" Watts cast the one vote which decided the closest Presidential election in United States history!

Thus, as current events remind us, 100 years ago the nation celebrated its Centennial, also, by weathering a crisis!

In 1876 charges of corruption flew in every direction! And from the election in November till just hours before the scheduled inauguration in March the nation seethed in suspense—not knowing whether it would have Hayes or Tilden for President! Or—no President! For there was a possibility, with both the incumbent president and vice-president leaving office, of the country being—for a short time at least—without a president!

Tilden had won the popular vote but not by a large majority. And an electoral college dispute raged all winter. Eventually, an electoral college commission set up by Congress would resolve the issue. This issue at first had involved the credentials of electors from four states, then only those from Oregon and, finally, only those of a single Oregon elector!

Appropriately nicknamed—the man in the eye of the storm was "Foghorn" Watts!

A Lincoln in-law—it seems especially fitting also that the elector who on the only occasion in our country's political life wielded such an unprecedented power was also some kind of an in-law—if a distant one—of the Father of Our Country!

For if "Foghorn's" Uncle Francis had wed Eleanor Todd years before her cousin Mary moved into the White House—his niece, a Marie Ellen Watts, would wed a Robert Lee Eskridge descended from the George Eskridge whose portrait millions have seen in Mount Vernon and who was the foster father of George Washington's mother!

This family history comes from a Watts family genealogy researched and prepared by a Maude Watts Collier, wife of an eminent Oregon attorney and a sister of the aforementioned Marie Ellen.

But—Maude's Uncle "Foghorn" didn't have to lean on Washington—or Lincoln! Instead, a couple of Presidents—or men who would become President—would lean quite heavily on him!

Born John William Watts in Bowling Green, Pike County, Missouri, November 6, 1830, "Foghorn" was a grandson of a John Watts of Virginia and an Elizabeth Jacoby of Kentucky. He was the second eldest son of the William Watts who, in 1852, led the Watts Wagon Train West. Proud of his family's role in the making of America, William Watts would have been proud indeed could he have known that a son accompanying him would cast the one vote which would decide the closest—and most controversial presidential election in United States history!

But he would have other reasons to take pride in a son who had returned from California's goldfields to assist in herding the family's livestock on a 2000-mile journey over the Oregon Trail.

In Oregon all the Watts boys would pitch in to help the family get established in Columbia County. Over 20 years later one of John William's brothers, relocating in California, would invent, manufacture and market the "Watts Baling Charlots"—a type of portable hay press! Another would leave Oregon to build a good part of the Mexican border town of Douglas, Arizona—including even a "Watts Hotel"! But one who remained in Columbia County is remembered as its most colorful pioneer sheriff! And still another, pioneering to the end of his days in Oregon, would father the first Mayor of Scappoose—the City that grew on the spot where in 1852 the Watts Wagon Train rolled to a stop!

But "Foghorn" had no need to envy his brothers! For only five years after he had helped settle the family on the Scappoose Plain it would be joked that the delegate from Columbia County had "the biggest mouth" at Oregon's Constitutional Convention! It seems the young man from Scappoose had made himself heard! With a voice that won him a nickname! And it would be surprising indeed if—at the age of only 27—it turned out that "Foghorn" was not the youngest of Oregon's Founding Fathers and Framers of its Constitution!

John William Watts already had become a part of that Columbia County heritage when he moved to nearby Yamhill County which, in 1866, would send him to the State Senate!

The office would not normally have taken Senator Watts or Doctor Watts or—if preferred—the Reverend Watts—away from his medical practice or his church for any great length of time each year! For in Lafayette, he would become a physician and clergyman.

He had become an ordained Congregational minister, though the records available say nothing about the circumstances. Nor do they say where and when he studied medicine. Of course, in frontier days a doctor—if one could be found—was not asked for his credentials! And the border line between doctors and barbers was, sometimes, razor-edge thin!

Chances are that John William had some formal medical education.

There is also a reference in his half-sister's account—if she doesn't say when—of his having served for a period as a receiver at the U.S. Land Offices in both Oregon City in Clackamas County and Lakeview in Lake County.

It should be noted that he would serve briefly as Lafayette's postmaster—a fact that would develop political significance. Very often the postmaster was someone—in town—who doubled in some other capacity!

John Williams Watts was that kind of a frontier postmaster! And—till he resigned from that office in a political storm—the mail would be just another community service provided by "Doctor Foghorn"! And for which he would receive less than \$300 a year.

In any case, Lafayette and Yamhill County would not be able to contain John William's talents for long. His powerful voice was winning him a reputation as a forceful speaker. He would become much in demand for political campaigns, local, state, and national. And, after the election of 1876 brought him to prominence, he would become a nationally-known political campaigner, even stumping Connecticut with great success, in 1888, for Benjamin Harrison.

He would become also a nationally-known leader in the temperance movement. An ardent temperance lecturer, he organized BANDS OF HOPE throughout the Northwest. He was President of the Oregon Temperance Alliance for seven years and at the same time Vice-President of the National League of Temperance. And, in 1876, he must have taken particular pleasure in casting his deciding ballot for a teetotaler!

According to the Watts Family Genealogy compiled by his niece, John William married a Martha Hendrix by whom he had a son, a Charles William Watts who wed a Miss McNary, and a daughter, Ada Watts who married a Frank O'Connor.

By a second wife, Caroline Dorris, "Foghorn" had no children.

Well-known nationally in both the temperance movement and political circles, undoubtedly he would have contributed for many years to come had not his death at the age of 71 and while still in robust health resulted from injuries received in a runaway accident when a young horse, frightened by a railway train, bolted with his carriage, July 6, 1901.

"This explains the unfinished portion of his diary," writes Ida Watts Burns—without saying what happened to a diary a historian or historical novelist might treasure!

But—and for that many a historian and perhaps even a historical novelist will bless her—she does give us a behind-the-scenes and till now evidently unpublished account of the accreditation of the Oregon electors and, finally, of the single Oregon elector who would attain the unique and enviable reputation of having decided the closest presidential election in United States history!

"Watts had been appointed postmaster of Lafayette. This office became of national interest when in 1876 he was elected a Presidential elector on the Republican ticket.

"Governor Groves, a Democrat, held that his election was illegal (alleging it would constitute holding two federal offices). The Republicans countered that it was not in the province of the Governor to decide, but Watts resigned as postmaster.

"At the appointed time the three Republican Electors, W. H. Odell, J. C. Cartwright and J. W. Watts, met at the State House—organized with the three defeated Democratic candidates—E. A. Cronin, W. B. Laswell and H. Klippel. So had two other men—Parker and Miller!

"The Secretary of State came to the door with an envelope addressed to Odell, Cartwright (the Republican winners) and Cronin (a Democratic loser). This he handed to Cronin, who looked at its contents and said it contained the credentials of the three to whom it was addressed. A heated discussion followed between these three (the two Republicans and Cronin) and Cronin put the envelope in his pocket.

"Watts, who had taken no part in a rather ungentlemanly and, at times, profane, exchange, rose and said there seemed to be some controversy over his election; he resigned as Elector. Odell and Cartwright accepted his resignation with reluctance.

"Then it seems Cronin took things into his own hands and, deciding that they (the Republicans Odell and Cartwright) were acting illegally, appointed himself Chairman, declared their offices vacant and appointed the strangely convenient Miller and Parker to fill the vacancies! These three then cast two votes for Hayes and Wheeler and one (Cronin's of course) for Tilden and Hendricks.

"Meanwhile (obviously ignoring Cronin's actions), the Republicans Odell and Cartwright had elected Watts, no longer a postmaster, to fill the electoral vacancy caused by his own resignation! They then cast three votes for Hayes and Wheeler!

"Each group carried returns to Washington where the special Electoral Commission set up for that purpose would arbitrate the dispute. Cronin's group carried credentials issued by the Governor. The Republicans carried their Electoral votes and an abstract of the State election vote attested by the Secretary of State and stamped with the State seal showing that Oregon had gone Republican by a large majority and was entitled to her three Republican votes in the Electoral College.

"The final decision which gave to Watts the One Vote that made Hayes President is well-known history."

History that never happened before! And—the probabilities are—will never happen again! But the crisis was over! And—on schedule—the nation had a new president!

But—one cannot help but wonder how many ancient tyrannies were watching as the struggling young Republic of free men—free to be right and free to be wrong—free to indulge in petty political bickerings but also free to rise above them—pulled that one out of her Centennial Hat—just 56 hours before the scheduled inauguration!

## TRIBUTE TO LOUIS BOSCO

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. EDWARDS of California. Mr. Speaker, it is with great sadness that I must rise today to inform my colleagues of the untimely death of Mr. Louis Bosco, a dear friend, a courageous labor leader, a loving family man and a dedicated community leader.

Lou, along with his wonderful wife Sue, literally worked day and night for years to make his local union, Hotel, Motel and Restaurant Employees Union Local 180, a healthy, service-oriented labor organization. It was Lou's work that was really instrumental and essential in making this local an effective labor organization—to competently represent the needs of the membership and allow a better life for them.

Lou was president of the Santa Clara County Central Labor Council for over 10 years and his hard work and effective leadership helped to make that body the important, able organization that it is now.

Lou Bosco retired from active union affairs because of ill health last year. Now, the entire community of San Jose mourns his death. He will be deeply missed. The memory of his quiet courage, his gentle kindness, his boundless energy and his sure and steady leadership and friendship will live on in our memories. I for one will cherish that memory.



# THE PASSING OF PAN ANTONI, POLAND'S BELOVED POET LAUREATE

## HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. FARY. Mr. Speaker, Polish-Americans throughout the free world recently mourned the passing of Antoni Slonimski in his beloved Warsaw. Pan Antoni was the Poet Laureate of Poland who died in his 82d year who loved women as he loved freedom, art and Warsaw.

I would like to call to the attention of my colleagues the touching article appearing below on Pan Antoni. This legendary figure whose mischievous, courageous, tender, and romantic poems instilled much needed strength and courage in the Polish people after the Second World War which enabled them to carry on under such trying conditions. This article which follows was written by columnist Tad Szulc and appeared in the Washington Post, July 30, 1976:

Everybody in Warsaw always called him *Pan Antoni* (Mr. Antoni) from the day around 1913 when he started writing his marvelous, mischievous, courageous, insulting, inspiring, ironic, indignant, tender and romantic poems until, most surprisingly, he died the other day—in his beloved Warsaw—in his 82d year.

Antoni Slonimski was *Pan Antoni* to pre-war cafe waiters, literary critics, fellow bohemian poets ("We drank all night and composed all day"), Fascist colonels and beautiful women. When he came back shortly after the war, he was still *Pan Antoni* to an old waiter who remembered him, and, then, to the new generation of Poles who read his poems in the dimness of the city's smashed buildings, to foreign diplomats, Communist Party leaders, and, of course, to beautiful women. For Slonimski loved women as he loved freedom, art and Warsaw.

According to dispatches, Slonimski died as a result of an auto accident. This is why, I presume, he died at all because it was plainly unthinkable that *Pan Antoni* would ever die of natural causes. When I last saw him in Warsaw not quite three years ago (for the first time since I was a child), he seemed to be joyously and infectiously immortal as he tossed off remembrances, rapier-like criticisms of the present regime ambitious plans for tomorrow and lyrical lines of a poem already taking shape in his mind.

In a very Polish way, Slonimski was perhaps the most important person in Warsaw. He would have hated to be called an institution, but that's what he was to all kinds of people in his hometown and beyond. He was, of course, Poland's leading poet, and he was a mocking but unyielding social critic and an absolutely fearless political and cultural dissident under regimes, the pre-war and the post-war ones, that stifled liberty and human in people. Neither the Fascists nor the Stalinists ever dared to imprison him for his mordant poetry and prose and for his unshakable determination to sign public protest letters whenever a human injustice was committed or the government did something wrong (he signed his last protest letter, to a regime of which he rather approved, seven months ago at 81). It was a major event when he published an article or another volume of verse.

But the most important thing about *Pan Antoni*, I think, is that he was a man who straddled epochs with his genius and his

decency and understanding. For the present generation of Poles, he symbolized the need and the possibility of coming to terms with their reality—no matter what it was.

He was passionately a Pole, but he wanted a decent Poland. An ardent Roman Catholic (though descended from a Jewish family), he fought pre-war anti-Semitism and protested, as a humanitarian, the torturing of Communists in Polish prisons. Not a Communist, he accepted socialism in Poland, but he wanted it to be good socialism. So he wrote a poem, called "Manifesto" and signed, "Respectfully, The People," with this message:

*O poet! More lightness and style.  
Who said that Socialism  
Must be built in grimness?  
Raise your heads!  
O painter, throw color on your palette.  
Enough of splashes and portraits  
Whose only merit was that  
They hid the facades of  
Bad architecture.  
We want the right to mock  
Various inflated types.  
Humor is a weapon,  
But one must not punish  
For the illegal possession of jokes . . .  
Our cause is clean,  
We need not deceive and Hes,  
We are not a mass of idiots.*

*Pan Antoni* was something of a national conscience. I think that the government as well as the people will miss him. Without *Pan Antoni*, the singer of man's humanity and romantic evenings under the lilacs, ancient Warsaw will not be the same again.

## A BILL TO ASSIST ORGANIZATIONS DEDICATED TO THE COMMEMORATION OF FORMER AMERICAN PRESIDENTS

## HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. AMBRO. Mr. Speaker, last week, I introduced a bill on behalf of the Theodore Roosevelt Association, an organization of citizens incorporated by act of Congress in 1920 to "perpetuate the ideals of our 26th President by spreading knowledge of his character and career." I am very proud to be representing the town of Oyster Bay, the home of Theodore Roosevelt's beautiful Sagamore Hill estate.

Among the many gifts presented to the American people by this association of dedicated citizens are the Theodore Roosevelt Birthplace in New York City, the Sagamore Hill National Historic Site at President Roosevelt's Long Island estate in Oyster Bay, N.Y., and Theodore Roosevelt Island in Washington, D.C.

In addition to providing these historic sites for the enjoyment of the American people, the Theodore Roosevelt Association has been a leading sponsor of scholarship concerning President Roosevelt's life. The association's accomplishments in the field of scholarly endeavor include publication of the "Theodore Roosevelt Cyclopedic," "The Free Citizen," and a book of selections from President Roosevelt's writings entitled "T.R.: Champion of the Strenuous Life," as well as sponsorship of the Charles Scribner's Sons editions of Roosevelt's collected works

and the Harvard University Press edition of his collected letters.

In sum, this association has made great contributions to American historical knowledge and understanding. My bill will exclude from the definition of private foundation, any organization which is incorporated under the provisions of any Federal law, and which is organized and operated exclusively for the purposes of honoring and preserving the memory of a former President of the United States.

## HOUSE FORUM SET ON ACADEMY CODE

## HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. DOWNEY of New York. Mr. Speaker, I would like to urge all my colleagues to join myself and the undersigned on Wednesday, August 4 at 2 p.m. in room EF-100 to hear from and meet with defense counsel, prosecutors, and West Point cadets who are involved in the present cheating controversy at the Academy.

West Point is now contending with the most serious honor scandal in its 174 year history. More than 200 cadets have been formally charged with cheating and scores more remain under investigation.

No one has been able to explain why this cheating scandal occurred. What we do know about this unfortunate situation comes principally from the cadets themselves and those close to them.

The cadets, their attorneys, and the Academy prosecutors have an important story to tell. We are setting up this public forum to afford Members of Congress an opportunity to meet with them and hear their first-hand account of the cheating incidents.

The Wednesday forum will commence as an ad hoc hearing—the cadets and others from West Point will present testimony to the Members present. Later in the day Members of Congress will be able to meet informally with the witnesses who have testified. The additional congressional sponsors are BARBARA JORDAN, RICHARD NOLAN, CHARLES H. WILSON, MENDEL J. DAVIS, SAMUEL S. STRATTON, RICHARD BOLLING, GILLIS LONG, FLOYD V. HICKS, PATRICIA SCHROEDER, EDWARD W. PATTISON, SAM B. HALL, JR., FRANK THOMPSON, JR., JIM LLOYD, JEROME A. AMBRO, and GERRY E. STUDDS.

The following article concerning the West Point ad hoc hearings appeared in the New York Times, Sunday, August 1:

HOUSE "FORUM" SET ON ACADEMY CODE: 16  
CONGRESSMEN TO EXPLORE CADETS' SIDE OF  
SCANDAL IN AN "INFORMAL HEARING"  
(By James Feron)

Sixteen members of the House of Representatives will hold an "informal hearing" Wednesday to explore what one of them said yesterday was "the cadets' side" of the West Point cheating scandal.

This "public forum" approach is unusual but not unique in Washington. It has been used by legislators seeking to draw attention

to issues that committee leaders have been reluctant to examine on an official basis.

Next week's session in the Capitol will draw testimony from several cadets as well as from Army lawyers, faculty members and others involved in a continuing dispute with Military Academy officials over the cheating and the administration of the honor code, which says cadets "will not lie, cheat or steal, nor tolerate those who do."

#### 177 CADETS CHARGED

A total of 177 cadets have been officially charged with collaboration on a take-home engineering examination in March. Eleven other cases were dismissed before reaching boards of officers, or trials, and nine other cadets have resigned. The boards so far have sustained 46 guilty verdicts and cleared 24 cadets.

A Senate armed services subcommittee investigating military academy honor codes following the furor at West Point adjourned a month ago after having heard West Point officials, but not the cadets, lawyers and others who have challenged the codes.

An administrative aide in the House said that "the Senate leaders don't want to polarize the situation by bringing cadets in to testify and the House leaders don't want to get involved at all, but there are important issues at stake here." Seven of the 16 House sponsors are members of the Armed Services Committee.

A spokesman for Senator Sam Nunn, Democrat of Georgia and chairman of the Senate subcommittee, said hearings would be resumed this month to hear "outside experts" on honor codes, but not cadets or others involved in the current case.

#### INEQUITY ALLEGED

The cadets, supported by testimony from Army lawyers and faculty members at West Point board hearings, have argued that more than half of last year's junior class of 875 cadets were involved in the cheating. They have also asserted that the honor code is being administered inequitably and unjustly and that the entire system needs re-examination.

More recently, the cadets have focused on the alleged illegal nature of an "internal review panel dominated by officers and appointed by West Point in place of the cadet honor committee at the beginning of summer vacation to handle the cheating scandal.

In a related matter, the Court of Military Appeals in Washington agreed yesterday to hear arguments Aug. 16 on a request by West Point cadets to halt the current inquiry and trials at West Point until the review panels role is examined.

#### SCOPE OF HEARING

Representative Thomas J. Downey, Democrat of West Islip, said the informal hearing was intended to examine "the process by which the Military Academy is handling the cheating cases, claims by the cadets that their honor-committee functions have been removed, the honor system as cadets see it and possible solutions to this and other cases."

He said the hearing sponsors were all Democrats "but they range from liberal to conservative." They include Representative Samuel S. Stratton of New York, Mendel J. Davis of South Carolina, Barbara C. Jordan of Texas, Richard Bolling of Missouri, Floyd V. Hicks of Washington and Charles H. Wilson and Jim Lloyd of California.

Mr. Downey, who conducted an earlier inquiry of the cheating incident, said he was sponsoring legislation with Benjamin A. Gilman, Republican of Middletown, to establish an outside investigation of honor codes at the Government military academies. Army lawyers at West Point are preparing a petition to ask the Defense Department to do the same.

#### GENERAL DECLINES INVITATION

Mr. Downey said he had asked the West Point superintendent, Lieut. Gen. Sidney B. Berry to attend the Wednesday session or to send a representative or a statement "but he declined," Mr. Downey said, "saying he did not want to interfere with the conduct of the current investigation."

General Berry has repeatedly denied allegations of a coverup. He testified before the Senate subcommittee that all cases brought to the Academy's attention were being investigated.

The superintendent also has taken issue with contentions of Army lawyers at West Point that the Academy sought to use a proposed petition to persuade the Secretary of the Army, Martin Hoffmann, to waive an active-service requirement for expelled cadets, thus encouraging their resignation.

#### CEREMONY AT NATIONAL ARCHIVES

#### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. RHODES. Mr. Speaker, our great Nation has the keystone of its political heritage, the documents that make the milestones along our path toward becoming the world's greatest free Republic. During the Bicentennial observance, representatives of the three branches of Government discussed the significance of those documents at a ceremony July 2 at the National Archives building.

Chief Justice of the Supreme Court Warren Burger noted that the Constitution has been tested throughout our history by internal and external stresses, and has remained as a firm guideline that enabled us to emerge from crises.

The distinguished Speaker of the House, Carl Albert, noted that it was 15 years after the Declaration of Independence that the Bill of Rights was enacted and perfected the tripartite form of government that has guided us for two centuries, and guarantees inalienable rights to all our citizens.

President Ford likened the Declaration of Independence to the star Polaris—the fixed star of freedom, and noted that we have strengthened the Constitution through 16 more amendments after the Bill of Rights.

Mr. Speaker, I believe these three messages provide a wealth of background on the meaning of the priceless documents in our Archives. I am hopeful that my colleagues will take the time to read them. Text of the remarks of Mr. Burger, Mr. Albert, and Mr. Ford are as follows:

REMARKS OF THE PRESIDENT, THE VICE PRESIDENT, CARL ALBERT, SPEAKER OF THE HOUSE AND WARREN E. BURGER, CHIEF JUSTICE, U.S. SUPREME COURT

#### THE NATIONAL ARCHIVES

The VICE PRESIDENT. Mr. President, Mr. Speaker, Mr. Chief Justice: Tonight we will hear from the three great Americans who each head one of the three separate branches of our Federal Government. First, a great and wise human being, the distinguished Chief Justice of the United States, the Honorable Warren Burger.

Chief Justice BURGER. Mr. Vice President,

Mr. Speaker, distinguished guests, ladies and gentlemen:

The Declaration that is being honored tonight had no binding legal effect when it was announced 200 years ago, but it guided the men who, 11 years later, drafted the Constitution. The Declaration was a statement of intent and purpose. The Constitution was a compact of people, a contract, if you will, to carry out the Declaration. Our Constitution created a Government in which the people have the supreme and ultimate power. The opening words of the preamble tell us that "We, the people, have agreed among ourselves that power must be used in an orderly way under rules laid down in the Constitution."

As school children, we learned that those who came to our shores agreed to give up some of their individual freedom for the common good. The Mayflower Compact and others like it were in a sense the forerunners of the Constitution, and that Constitution now stands as the greatest human compact in history. Our form of Government differs from all others ever devised, and ever since it was adopted the Constitution has operated like the stars that guided the first travelers on the open seas where there were no landmarks to guide them.

Our Constitution is not perfect, and even less so are the mortals who must try to say what it means. But, what is important is that it has been the guide to keep us on the paths of freedom that were laid out so long ago. The American people have firmly supported the Constitution and the means established to enforce its guarantees. It has been tested under the stress of internal and external warfare, by economic catastrophes and in political crises, and on every occasion the country has emerged stronger.

These two documents, the Declaration and the Constitution, embark the American people on an experiment in a new form of Government, self-government, that has survived longer than any other kind of Government in recorded history. In this experiment, that remarkable group of American leaders wisely recognized the paradox of freedom that to preserve liberty each one of us must give some of it up.

This is why we have come to call our system one of ordered liberty, liberty exercised in an orderly way with restraints and with respect for the rights of others. To create and maintain such a system was the function of our Constitution.

The problems and burdens of those 3 million early Americans who began this experiment were so great from 1776 to 1789 that those leaders constantly called for divine guidance in their efforts. With the complexities of a Nation now grown to 215 million people, and the world problems that we must share, can we survive without it?

Washington, both as a General and as President, constantly called for divine guidance and credited all progress and success to that source. When the Declaration was signed, John Adams wrote his wife Abigail saying that "July 4 ought to be commemorated as the day of deliverance by solemn acts of devotion to Almighty God." And when the Constitution was finally approved, James Madison observed that "All people must perceive in the Constitution a finger of that Almighty hand which has been so frequently extended to our relief in the critical stages of the revolution."

We have survived and prospered for 200 years now because the strength of our Nation was not simply in the words of the Declaration and the Constitution, great as they are, but because of the strength of the people, of personal integrity; of individual responsibility and of the tradition of home and family and of religious beliefs.

Our Constitution, no constitution, can solve all our problems. At its best, our Con-



stitution gives the American people the means and the opportunity to find solutions, by their own efforts, by their dedication and by their love of country.

The French historian de Tocqueville long ago wrote this about America: "I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich gold mines and her vast world commerce, and it was not there. Not until I went into the churches of America did I understand the secret of her genius and her power. America is great because she is good and if America ever ceases to be good, America will cease to be great."

Speaker ALBERT. Mr. President, Mr. Vice President, Mr. Chief Justice, distinguished guests, ladies and gentlemen:

The decisive act of inspiration from England actually took place on July 2, exactly 200 years ago today, when the Continental Congress adopted the resolution of independence, drafted by a committee of five, headed by Thomas Jefferson. Thus, it is especially appropriate that we launch this Fourth of July weekend this evening, July 2.

Yesterday, the House of Representatives and the Senate unanimously passed Concurrent Resolution 672 wherein it was stated that "the Congress of the United States of America does hereby reaffirm its commitment to the ideals and principles expressed in the Declaration of Independence by members of the Congress assembled in Philadelphia on July 2, 1776."

The Declaration launched our quest for freedom. Five long years would pass before the English forces, led by General Cornwallis, would surrender at Yorktown. The emerging Nation would struggle under ineffective Articles of Confederation for six more years before formulating the Constitution in Philadelphia in 1787. The body of our Constitution set up our tripartite system of Government and gave us a mechanism of Government that would endure for generations, that would enable us to accomplish our goals.

It was not until 1791, two years after the Constitution had been ratified, fifteen years after the signing of the Declaration of Independence, that the Bill of Rights breathed life into the immortal document known as the Declaration of Independence. It was handled in the Congress by James Madison, but it was the inspiration of the author of the Declaration of Independence.

The sage of Monticello wanted to make sure in his letters to many leading Americans in many States that the liberties which he proclaimed in 1776 would be given substance in the Constitution. Had it not been for that leadership there would be no guaranteed freedom of worship, no freedom of speech, no freedom of press, no right of peaceful assembly, no right to petition in case of grievances.

Because of the Bill of Rights to the Constitution, my fellow Americans, no man may cross the threshold of your home without a search warrant, no man may cast you in prison without a trial by a jury of your peers. These are the concrete cornerstones of our liberty proclaimed in the Declaration of Independence; these are the basic principles of the ends of our system of Government.

We meet tonight to rededicate ourselves to the perpetuation of these principles. To this end, it may be well to repeat the closing of the Declaration of Independence itself: "With a firm reliance on the protection of Divine Providence we mutually pledge to each other our lives, our fortunes and our sacred honor."

The PRESIDENT. Mr. Vice President, Mr. Speaker, Mr. Chief Justice, distinguished guests, ladies and gentlemen:

I am standing here before the great characters of American liberty under law. Millions

of Americans, before me and after me, will have looked and lingered over these priceless documents that have guided our 200 years of high adventure as "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

Those were Lincoln's words, as he looked to the Declaration of Independence for guidance when a raging storm obscured the Constitution. We are gathered here tonight to honor both.

Even the way these parchments are displayed is instructive: Together, as they must be historically understood; the Constitution and its first 10 Amendments on an equal plane; the Declaration of Independence properly central and above all.

The Declaration is the Polaris of our political order—the fixed star of freedom. It is impervious to change because it states moral truths that are eternal.

The Constitution provides for its own changes, having equal force with the original articles. It began to change soon after it was ratified when the Bill of Rights was added. We have since amended it 16 times more, and before we celebrate our 300th birthday there will be more changes.

But the Declaration will be there, exactly as it was when the Continental Congress adopted it—after eliminating and changing some of Jefferson's draft, much to his annoyance. Jefferson's immortal words will remain, and they will be preserved in human hearts even if this original parchment should fall victim to time and fate.

Listen: "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men deriving their just Powers from the Consent of the Governed."

The act of Independence, the actual separation of colonies and Crown, took place 200 years ago today, when the delegations of 12 colonies adopted Richard Henry Lee's resolution of Independence. The founders expected that July 2 would be celebrated as the national holiday of the newborn Republic, but they took two more days to debate and to approve this declaration, an announcement to the world of what they had done and the reasons why.

The Declaration and other great documents of our heritage remind me of the flying machines across the Mall in the new museum we opened yesterday. From the Spirit of St. Louis to the lunar orbital capsules we see vehicles that enabled Americans to cross vast distances in space. In our archives and libraries we find documents to transport us across centuries in time, back to Mount Sinai and the Sea of Galilee, to Runnymede, to the pitching cabin of the Mayflower, and to sweltering Philadelphia in midsummer, 1776.

If we maneuver our time vehicles along to 1787, we see the chamber of Independence Hall, where the Constitution is being drafted under the stern eye of George Washington. Some other faces are familiar. Benjamin Franklin is there, of course, and Roger Sherman of Connecticut. Thomas Jefferson has gone to Paris. The quiet genius of this Convention is James Madison.

But Jefferson's principles are very much present. The Constitution, when it is done, will translate the great ideals of the Declaration into a legal mechanism for effective government, where the unalienable rights of individual Americans are secure.

In grade school, we were taught to memorize the first and last parts of the Declaration. Nowdays even many scholars skip over the long recitation of alleged abuses by King George III and his misguided ministers. But occasionally we ought to read them because the injuries and invasions of individual

rights listed there are the very excesses of government power which the Constitution, the Bill of Rights, and subsequent amendments were designed to prevent.

The familiar parts of the Declaration describe the positives of freedom; the dull part, the negatives. Not all the rights of free people, nor all the necessary powers of government, can be enumerated in one writing or for all time, as Madison and his colleagues made plain in the 9th and 10th Amendments.

But the source of all unalienable rights, the proper purposes for which governments are instituted among men, and the reasons why free people should consent to an equitable ordering of their God-given freedom, have never been better stated than by Jefferson in our Declaration of Independence.

Life, liberty and the pursuit of happiness are cited as being among the most precious endowments of the Creator—but not the only ones. Earlier, Jefferson wrote that "The God who gave us life gave us liberty at the same time."

This better explains the bold assertion that "All men are created equal" which Americans have debated for two centuries. We obviously are not equal in size, or wisdom, or strength, or fortune. But we are all born—having had nothing at all to say about it. And from the moment we have a life of our own we have a liberty of our own, and we receive both in equal shares. We are all born free in the eyes of God.

That eternal truth is the great promise of the Declaration; but it certainly was not self-evident to most of mankind in 1776. I regret to say it is not universally accepted in 1976. Yet the American adventure not only proclaimed it, for 200 years we have consistently sought to prove it true. The Declaration is the promise of freedom; the Constitution continuously seeks the fulfillment of freedom. The Constitution was created and continues—as its preamble states—"to secure the blessings of liberty to ourselves and to our posterity."

The great promise of the Declaration requires far more than the patriot sacrifices of the American Revolution, more than the legal stabilizer of the Constitution, more than Lincoln's successful answer to the question of whether a nation so conceived and so dedicated could long endure.

What does the Declaration declare: That all human beings have certain rights as a gift from God; that these rights cannot lawfully be taken away from any man or woman by any human agency, monarchy or democracy; that all governments derive all their just powers from the people, who consent to be governed in order to secure their rights and to effect their safety and happiness.

Thus, both rights and powers belong to the people, the rights equally apportioned to every individual, the powers to the people as a whole.

This November, the American people will, under the Constitution, again give their consent to be governed. This free and secret act should be a reaffirmation, by every eligible American, of the mutual pledges made 200 years ago by John Hancock and the others whose untrembling signatures we can still make out.

Jefferson said that the future belongs to the living; we stand awed in the presence of these great charters not by their beauty, not by their antiquity, but because they belong to us. We return thanks that they have guided us safely through two centuries of national independence, but the excitement of this occasion is that they still work.

All around our nation's capital are priceless collections of America's great contributions to the world, but many of them are machines no longer used, inventions no longer needed, clothes no longer worn, books no longer read, songs no longer sung.

Not so with the Constitution, which works

for us daily, changing slowly to meet new needs. Not so the Bill of Rights, which protects us day and night in the exercise of our fundamental freedoms—to pray, to publish, to speak as we please.

Above all stands the magnificent Declaration, still the fixed star of freedom for the United States of America.

Let each of us, in this year of our Bicentennial, join with those brave and farsighted Americans of 1776. Let us here and now mutually pledge to the ennobling and enduring principles of the Declaration our lives, our fortunes and our sacred honor.

Let us do so, as they did, with firm reliance on the protection of Divine Providence, that the future of this land we love may be ever brighter for our children and for generations of Americans yet to be born.

#### INSTABILITY OF MARKETS POSES THREAT TO FARMER

**HON. FREDERICK W. RICHMOND**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. RICHMOND. Mr. Speaker, many of us representing urban America are becoming increasingly aware of the critical interrelationship between a sound farm and rural policy and the future of our Nation's great cities. No one segment of our economy or society can prosper without understanding and supporting all others. Unfortunately, there has been a traditional division between urban and rural interests that stem back to pre-revolutionary America.

Many of us who have been seeking answers to our many faceted urban crisis have long felt that our pleas were falling on deaf ears when we spoke to our farm-oriented colleagues.

In a recent analysis some of the problems facing farmers, Representative JAMIE WHITTEN, writing in the Delta Farm Press, noted that "it is essential that urban and rural interests cooperate fully to assure that we remain a Nation of plenty."

I recommend this analysis to my colleagues and would like to share it with you at this point:

#### INSTABILITY OF MARKET POSES THREAT TO FARMER

Under present farm programs, as administered by the Department of Agriculture, orderly marketing is no longer available to the American farmer.

With the market stability formerly provided by price support loans gone, many of today's agricultural producers are faced with almost insurmountable threat to their continued operation.

In addition to the normal hazards of weather, pestilence, growing financial investment, and increasing production costs—all of which most farmers have been able to meet through ingenuity and hard work—agricultural producers are now being also forced to take on the hazards of market instability.

With CCC loans no longer available, all too frequently the farmer must sell his crops as soon as harvested, regardless of market conditions, thereby often saturating the market and driving prices down to, or below, the cost of production.

#### DAMAGES ECONOMY

That is especially damaging to our farm economy in this time of great financial strain and increasing financial burdens.

The average agricultural producer today must invest as much as \$200,000 to begin farming. That is about twice as much as the investment required for each factory worker in industry.

Further, the farmer must finance increasingly inflated costs of farm labor, equipment, and other production inputs, without adequate assurance of income to meet such expenditures.

Frequently, the cost of producing a crop requires the expenditure of a sum equal to the total value of his land. USDA figures indicate that the January 1976 index for prices received by farmers was 186, compared to an index of 191 for prices paid by farmers.

Compared to a year earlier, prices received increased by 9 points, whereas prices paid increased by 11 points. That is obviously a losing situation for the farmer.

#### HIGHER LAND VALUES

The average farmer is also faced with increasing land values, which make it virtually impossible for him to expand his farming operation to help offset rising production costs, or losses at the marketplace.

Further, the normal risks of weather and pestilence—either of which can wipe out his investment overnight—present a continuing threat to farm production.

Where formerly it took 7 years of crop losses to put the average farm unit out of business, today a farmer can lose his total investment in a single crop year.

Because of the increasingly insecure financial position of a large number of the nation's farmers, due to the lack of market stability and other risks, private financial institutions are turning down an increasing number of farm loans.

Information before our Committee shows they have doubled their investments in federal bonds and other lower-risk non-agricultural investments. Contrary to previous practices, they are now referring their agricultural borrowers to federal lending agencies and are urging the Congress to increase loan funds to the Farmers Home Administration to meet this need.

Even the Production Credit Associations of the Farm Credit System are encouraging more of their borrowers to go to FmHA for credit, in view of the damaging effect of market instability on the farmer's ability to repay his loan.

#### DEBT INCREASES

USDA figures show that, whereas the average loan for farming operations in the middle 1930's was about \$4,000, it is over \$100,000 today.

Total farm debt has increased by 250 percent in the past 11 years, from about \$37 billion in 1965 to around \$92 billion today.

It is essential, therefore, that we restore some system of price assurance, at a level which will protect the agricultural producer—at least on his cost of production, plus a reasonable margin of profit to enable him and his family to continue to produce the food and fiber needed to meet the demands of consumers, both at home and abroad.

Anything less will certainly bring financial ruin for our agricultural establishment, with a resulting severe depression extended to all segments of our economy.

Even the urban press is now recognizing that the severe fluctuations of market prices for agricultural products are as damaging to the consumers as to the producers.

And urban consumers now recognize the necessity for those engaged in agriculture to receive costs of production, plus a reasonable profit, if they are to stay in business.

#### COMMODITY STOCKS

It becomes necessary, also, to reconsider channeling into and out of the Commodity Credit Corporation stocks of grain, cotton,

and other agricultural products to enable an arm of our government to assure that our commodities remain available in world markets at competitive prices.

To retain our overseas customers, we must provide quality merchandise and must assure them of a continuing source of supply.

Also, we must have sufficient quantity on hand to make unnecessary any future embargoes on foreign sales—a practice which in recent years has shaken the confidence of our customers in this country's role as a consistent supplier.

As pointed out last year, farm exports of \$21.3 billion in 1974 helped to pay for agricultural imports of \$9.6 billion and provided some \$11.7 billion toward the 1974 increase of nearly \$16 billion in foreign oil imports.

The picture for 1975 is much the same, with exports of about \$22 billion and imports of \$10 billion, leaving about \$12 billion of net exports to strengthen the dollar in international markets.

And according to USDA officials, the world economy is expected to recover gradually in 1976, creating demand for U.S. farm products in the future.

#### LESSONS OF HISTORY

To refresh our memories as to the consequences of a serious farm depression, we need to recall the causes and effects of the Great Depression of the 1930's.

In the late 20's and early 30's, a drop in the purchasing power of those engaged in agriculture not only wrecked farming, but dragged down the economy of the entire nation.

History reminds us that the seeds of the Great Depression of the 1930's were sown in the agricultural depression of the 1920's, which followed the First World War.

The failure to maintain farm exports, or to support farm prices and income during that period, and thus to maintain farmers' purchasing power, weakened banking and business throughout the country.

Yet people frequently fail to remember the lessons of the terrible financial crises of the 1920's and 1930's. It was graphically illustrated in 1921, in 1929, and again in 1937 that if the farmer's prices and purchasing power collapse, the entire economy suffers, both in the cities and in the rural areas.

It will be recalled that after the First World War ended, the government announced that it would no longer support the price of wheat.

Wheat, which had brought \$2.94 a bushel at Minneapolis in July, 1920, brought \$1.72 in December, 1920, and 92 cents a year later. Agricultural prices, in general, collapsed. Cotton fell to a third of its July, 1920 price, and corn by 62 percent.

The Yearbook of Agriculture of 1922 shows that the total value of agricultural products dropped from \$18,328 million in 1920 to \$12,402 million in 1921.

As a result of the agricultural crash of 1920-21, an estimated 453,000 farmers lost their farms. Many others remained in serious financial trouble which, in turn, was reflected by failures of local banks.

It has been said there were more suicides during that period among those who didn't know what a farm was than at any other period in our history.

That tragic depression was the result of the breakdown in farm or commodity prices, which had led to a fall in prices, income, and values throughout the economy.

It was a sad way to learn it, but people at that time came to realize that real wealth starts with material things—corn, wheat, cotton, food crops of all kinds, and other raw materials—and that the general economy was primed by the sale of raw materials since, in general, the total national wealth averages some seven times the sales value of the farm or raw material production.



## INCREASINGLY URGENT

With less than 5 percent of our people engaged in agricultural production; with only 14 of 435 congressional districts classified as rural; and with a news media that appeals to the urban-oriented nonfarmers, it is increasingly urgent that these lessons of history be reviewed frequently by each new generation, and that they be heeded constantly by those who are responsible for the preservation of a sound and productive agricultural establishment in the United States.

Further, it is essential that urban and rural interests cooperate fully to assure that we remain a nation of plenty.

We can no longer afford to gamble with our food supply on a boom-or-bust basis. If we keep agriculture prosperous, our entire economy will be prosperous.

But if we let agriculture fail, the rest of our country will fail with it.

History shows that it has been so in the past, and will continue to be so as long as this nation exists in its present form!

Mr. Whitten is chairman of the House Appropriations Committee's Subcommittee on Agriculture.)

FEDERAL ENERGY CONSERVATION  
EFFORTS A FAILURE

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. VANIK. Mr. Speaker, this morning's mail brought the Federal Motor Vehicle Fleet Report for the fiscal year 1975. This publication, compiled by the General Services Administration, testifies to the fact that the Federal Government has no effective energy conservation program. After reviewing the statistics in this report, I have concluded that there is no comprehensive effort for the Federal Government to move toward smaller, more efficient automobiles.

I have compared statistics in the fiscal year 1975 Motor Vehicle Fleet Report with similar data contained in the same report for fiscal year 1975 and fiscal year 1972. The comparisons reveal that while there are agencies of the Federal Government that are making significant improvements, the efficiency of the cars

they drive, most agencies are doing little or nothing.

Table I displays the average miles per gallon for the sedans of our Government's civilian agencies over the 3 fiscal years that I examined. The Bureau of Sports Fisheries and Wildlife of the Department of Interior shows the most remarkable improvement of any agency. The efficiency of their sedans has improved from 14.7 miles per gallon in fiscal year 1972 to 17.3 miles per gallon in fiscal year 1974—an 18-percent improvement.

For other agencies, the results are discouraging. The National Park Service, also in the Department of the Interior, has shown a decline in efficiency over the same time period—from 13.2 miles per gallon in fiscal year 1972 to 12.2 miles per gallon in fiscal year 1975. Other declines are even more dramatic. In just 1 year, the efficiency of sedans owned by the Immigration and Naturalization Service in the Department of Justice declined from 12.1 miles per gallon to 10.7 miles per gallon. Also surprising is the fact that the Energy Research and Development Administration—supposedly the lead agency in researching energy conservation—has one of the worst efficiency records. Its sedans get a dismal 12.8 miles per gallon.

The record of the military is even worse. Table 2 outlines the efficiency ratings in the various services. In each instance, the efficiency of military sedans has stayed even or declined over the past year. There has been no improvement.

Why has the Federal Government's record at improving the efficiency of its automobiles been so uneven? A partial answer can be developed by looking at table 3. This table outlines the proportion of sedans which fall into various weight classes. A comparison of fiscal year 1975 with fiscal year 1974 reveals that although the proportion of compacts in the Federal fleet has increased from 12.2 percent to 18.8 percent, the proportion of heavier, less efficient standard cars has increased from 51.7 percent to 69.4 percent. The proportion of subcompacts has remained essentially unchanged. In short, last year saw a shift away from intermediate cars to compacts, but there was an even larger shift away from in-

termediates to larger, standard size automobiles.

Mr. Speaker, this evidence is disturbing. It appears that in only a few agencies, energy conservation is taken seriously. In most agencies it is simply ignored. How can the American people take energy conservation seriously when the Federal Government is so lax in enforcing its own energy-saving program? I am hopeful that the General Accounting Office, in its soon to be released report on energy conservation, will make strong recommendations on ways in which our Federal program can be improved. Equally, Congress must no longer pay lip service to energy conservation through reliance on voluntary programs. Stronger mandatory action to reduce energy consumption in both the public and private sector is clearly needed now.

TABLE 1.—CIVILIAN FLEET OF FEDERALLY OWNED  
SEDANS: AVERAGE MILES PER GALLON

	Fiscal year—		
	1972	1974	1975
Department of Agriculture:			
Agricultural Research Service.....	15.6	14.7	14.9
Animal and Plant Health Inspection Service.....	15.3	14.8	14.7
Forest Service.....	16.7	16.0	16.6
Soil Conservation Service.....	15.7	15.4	15.4
Energy Research and Development Administration (AEC).....	14.5	13.6	12.8
General Services Administration.....	19.2	13.6	14.0
Department of the Interior:			
Bureau of Indian Affairs.....	12.8	11.8	13.7
Bureau of Sport Fisheries and Wildlife.....	14.7	12.9	17.3
National Park Service.....	13.2	13.6	12.2
Department of Justice:			
Federal Bureau of Investigation.....	11.2	11.1	11.2
Immigration and Naturalization.....	NA	12.1	10.7
Tennessee Valley Authority.....	16.6	14.0	14.9
United States Postal Service.....	7.0	13.9	13.9
Total—Civilian.....	NA	13.3	13.6

TABLE 2.—MILITARY SEDANS: AVERAGE MILES PER GALLON

	Fiscal year—		
	1972 <sup>1</sup>	1974 <sup>1</sup>	1975
Army.....	15.4	13.3	13.1
Navy.....	14.2	14.5	13.9
Air Force.....	15.3	12.0	12.0
Marine Corps.....	15.2	14.0	13.4
Civil Works, Corps of Engineers.....	14.7	15.1	14.8
Total.....	NA	13.4	13.2

<sup>1</sup> Data excludes small portion of fleet which is in foreign countries.

TABLE 3.—SUMMARY CHARACTERISTICS OF VEHICLE TYPE: FEDERALLY OWNED SEDANS

(In percent)

	Subcompact	Compact	Intermediate	Standard	Medium	Heavy	Limousines	Special	Other
Fiscal year 1974.....	0.8	12.2	33.6	51.1	0.5	0.3	0.04	0.1	.....
Fiscal year 1975.....	.7	18.8	10.0	69.4	.5	.3	.40	.2	1.2

LENELL SULLIVAN WINS STATE  
ESSAY CONTEST

## Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. MONTGOMERY. Mr. Speaker, an outstanding young lady from Mississippi's Third Congressional District, Miss Lenell Sullivan, was recently named State winner for Mississippi in the

Knights of Pythias essay contest on "What Do I See in America, 1776-1976?" The daughter of Mrs. Margaret E. Brown and the late John W. Sullivan, Lenell graduated this year from Canton Academy. I feel her winning essay is quite thought provoking and would like to share it with my colleagues by including it at this point in the RECORD:

WHAT DO I SEE IN AMERICA FROM 1776-1976  
From 1776 to 1976, I see a flag of red, white and blue.

In the late 1700s, General George Washington ordered Betsy Ross to make a flag to

represent our new country. The changes in this flag reflect the changes of our nation from the original thirteen colonies to the present fifty states of the most wonderful nation in the world: The United States of America. I see this flag flying at Bunker Hill and Valley Forge, at Fort McHenry, at Bull Run, Manassas, Gettysburg, at San Juan Hill, in the trenches of France, at Normandy and Iwo Jima, and, finally, in Vietnam.

Changes have been made since thirteen white stars on a field of blue and thirteen red and white stripes were first made into a flag of a proud nation. From a world of powdered wigs, knee britches and the minuet of

1776, to women's lib, blue jeans and "the bump" of 1976, I see a continuing series of leaps in progress from the Atlantic to the Pacific Ocean.

I see people like Daniel Boone, Meriwether Lewis and William Clark blazing trails westward through hostile Indian country, treacherous mountain passes, and the waters of deep rivers, to make way for a new civilization. By 1790, only about one hundred thousand of the strongest, healthiest, and most courageous of our total population were able to bear the hardships of frontier life and settle west of the Allegheny Mountains. But in a few years this paid off with the addition of new states to the Union. The Louisiana Purchase of 1803 doubled the size of our nation. I see the flag of 1818 that includes twenty stars, the twentieth representing the State of Mississippi.

I see Francis Scott Key writing our national anthem, The Star-Spangled Banner, during the War of 1812 while on a British ship near Ft. McHenry. I can feel his heartfelt thanks to the "Power that hath made and preserved us a nation".

In 1800, I see large cotton and sugar plantations. Eli Whitney's cotton gin encouraged the rapid production of cotton, and slave ships arrived regularly from Africa with new labor supplies. I see ladies in hoop skirts and gentlemen farmers singing the sentimental songs of Stephen Foster and sipping cool drinks, but I see, also, the blood, sweat, and tears of the black people.

In 1849, I see covered wagons following old trails and making new ones in the rush for gold in California. I see hard-drinking men, saloon girls, and respectable families joining together to stake their claims on the Pacific side of the nation.

I hear the union of the East and the West through the hammers that drove the spikes to make the railroad a final link between these sections. During this time I see immigrants pouring into our country for freedom to worship, freedom to work, and freedom from tyranny, making our nation a true "melting pot" of race, creed, and color.

Then, sadly, I see a nation at war with itself, a nation torn with its needs of economy, justice, and idealism. The Gettysburg Address, Abraham Lincoln, the ruthless burning march of Sherman and the gentility of Robert E. Lee shine through as symbols of a war-torn country. The sad state of the penniless, homeless, suddenly freed men who had no leaders, and no place to go, is a difficult scene to behold.

The age of Mark Twain's industrious, wealthy, nostalgic, and expansive period is the age I now face—the camp meetings and the reconstruction of the South, the whirling of mills in the North, the roving peddlers, the gangs of the Southwest, and the cowboys of the real West set the scene for the industrial revolution of the twentieth century. America is moving away from the farm and going to town!

Since 1900, I see that "Old Glory" has grown from forty-five to fifty stars, with each star giving its fair share of progress. I see more advances in science, medicine and technology than in all the years of civilization combined. Communication and travel have progressed from the horse and buggy trips of twenty miles a day, to travel into outer space in minutes. I hear and see round-the-world telephone, radio, television, and messages to and from the moon. I see a world at work.

With the red, white and blue of our flag waving above, I see what the colors represent. As stated in the congressional resolution in 1777: "White signifies Purity and Innocence; Red, Hardiness and Valor; Blue, Vigilance, Perseverance and Justice." I see outstanding events, change, and progress in America from 1776 to 1976, but most of all I see a United Nation of God-loving, hard-working, fun-loving people who recognize

the dignity of man, and the right of all men to gain knowledge and strive for wisdom.

But brightest of all, I see the dates: November 11, 1918, December 7, 1941, and August 14, 1945, marked in red, white, and blue on calendars, noting attacks and surrenders when our country was drawn into World Wars during this century. I see returning Vietnam veterans, some still in hospitals. But I also see apathy and people who are unconcerned about the feelings of others.

In 1976, I see a generation of people who will learn to control the ecology, establish a good economy, and teach future generations a greater love for the nation that has given them birth!

From the days of George Washington, through the imagination of Mark Twain, and to the moon, our flag has flown with pride, representing this great nation we call The United States of America.

#### AN ACTIVIST BUREAUCRAT

### HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. BAFALIS. Mr. Speaker, today some of the most frequently heard complaints from the American people are those concerning the excessive size and cost of the Federal bureaucracy. In fact, a major campaign plank appearing in all Federal campaigns this fall will be the belief that the bureaucracy should be streamlined.

All this is necessary because the Congress and the executive branch have been seemingly unable to get at the heart of this problem. Over the past 10 years, the bureaucracy has continued to grow, spawning new departments, new programs, new studies, and new employees.

However, in the middle of this seemingly impenetrable situation, we find one individual who is taking corrective action. The following article on Jerry Thomas, Under Secretary of the Treasury, is convincing proof that positive changes can be made in the bureaucracy by a single individual. The taxpayers of the country should be very thankful for the services of Mr. Thomas. With others like him, we could begin to dissolve the massive red-tape which binds the bureaucracy and reduce its huge price tag which threatens to smother our economy.

The article follows:

[From the West Palm Beach (Fla.) July 9, 1976]

#### THOMAS PUTS KNIFE TO GOVERNMENT FAT (By Charles Osolin)

WASHINGTON.—While the presidential candidates wear out their voices complaining about the bloated, wasteful and unresponsive federal government, Jerry Thomas is quietly trying to do something about it.

The conservative banker-politician from Jupiter, has been Under Secretary of the Treasury for only three months. But in the time it takes many new officials to learn the way to the executive washroom, Thomas already has shaken up the bureaucracy by:

Refusing to use the government limousine assigned to him, and sending his chauffeur home to retirement in North Carolina.

Offering to give up half of his office—already modest by federal standards—when another Treasury official complained that he needed more office space (the shocked official hasn't taken him up on the offer).

Reducing overtime and overlapping in the

use of Treasury Department vehicles, at an estimated saving of \$40,000 a year.

Drafting an order that will restrict first-class air travel by Treasury Department employees, and require every employee to explain in writing why he had to fly first-class if an economy seat was available.

Blowing the whistle on nine top officers of the government-financed U.S. Railway Association, who had been billing the taxpayers for thousands of dollars in membership fees and dues to private Washington clubs—without the knowledge or approval of the association's board of directors.

Thomas admits that such attacks on the cherished fringe benefits of government service do little to improve his job security.

"Regardless of what happens in the (November) election, I won't be here very long," Thomas said in a leisurely, two-hour interview this week. "You don't make many friends doing what I'm doing."

But Thomas said his goal in coming to Washington was to win respect, not popularity, and he claimed the full backing of Treasury Secretary William Simon and President Ford in his drive to save taxpayers' money.

Since he arrived in March, Thomas said, he has witnessed "some of the most colossal waste I've seen in my life." Using his Treasury Department post as a springboard, he hopes to develop and perfect proposals for cutting the size and cost of government.

If his measures work in Treasury, he said, he will submit them to Ford with a recommendation that they be implemented throughout the government by executive order—thus assuring that the bureaucrats won't revert to their old tricks as soon as Thomas leaves town.

Thomas' tightfisted approach to government is a holdover from his days as president of the Florida Senate, where he cut his office staff to two, banned eating and newspaper reading on the Senate floor, and once kept Senate employees working through the Friday before Christmas—a move that earned him the title "The Scrooge of Tallahassee."

The 46-year-old millionaire, who gave up the chairmanship of 11 Florida banks and put his holdings in a blind trust to take the \$52,000-a-year Treasury post, maintains a Spartan lifestyle in Washington. He usually walks to work from his one-bedroom apartment a mile from his office, avoids the Washington social whirl, and commutes to Florida on weekends to be with his family.

When he travels on official business, he goes economy class—and ruefully notes the presence of other, lower-ranking federal officials reading books or sipping free drinks in the spacious first class seats.

"I don't think the people back there (in economy) should be paying for me to ride up front," Thomas said.

Although federal travel regulations discourage the use of first-class air travel for government officials, exceptions are allowed if "necessary for the conduct of the mission or for reasons of the traveler's health."

"Evidently there are quite a few sick people in the government," Thomas observed with a grin.

Under his new policy, Treasury employees will have to produce a letter from a physician certifying a health problem before they'll be allowed to fly first class. And if their "mission" requires first-class travel one way—so they'll have room to spread out papers and get ready for a meeting at their destination, for example—they'll still have to fly economy on the return flight, after the mission is accomplished.

Thomas made Washington headlines recently when he convinced the directors of the U.S. Railway Association that the government shouldn't be paying private club dues for the association's chairman and vice president.

Thomas, the Treasury Department's representative on the railway board, said he



learned of the policy shortly after he took office and asked to review the association's records. He told the other directors about it at the next board meeting on May 6, and they voted unanimously to stop the payments.

According to the Washington Star, U.S. Railway Association records showed that the association paid more than \$8,000 in initiation fees and \$5,679 in dues during the two years the policy was in effect—including \$6,400 for railway Chairman Arthur D. Lewis' membership and dues at the exclusive Burning Tree Country Club.

Thomas said the policy was based on a belief that the memberships would help the association sell its program to congressmen and railroad officials.

But he called the payments "an inappropriate expenditure of the taxpayers' funds. Having been in elected office," he added, "I find that you're very mindful of the person who picks up the tab."

In addition to his membership on the railway association board and the Securities Investor Protection Corp., Thomas' job gives him responsibility for a variety of Treasury Department agencies employing 29,000 people—including the Secret Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Engraving and the Bureau of the Mint. He also oversees the revenue sharing, enforcement, public affairs and legislative affairs programs and the overall administration of the department, which has a total of 132,000 employees.

He looks on his appointment—coupled with that of fellow Floridian Jack Eckerd to head the U.S. General Services Administration—as an indication the Ford administration is "looking to the South for some of its administrative leadership" after years of federal neglect and abuse of the region.

He also sees his post as an opportunity to put people in touch with federal officials who might be able to help them with their problems.

"People will call me on anything, just to have somebody to talk to," he said. "Government has become so far removed from people that they no longer understand it or believe in it."

The next time he gets frustrated with bureaucratic excuses, Thomas said, he intends to cross the street in front of his office and start shaking hands with the tourists waiting in line to see the White House. "Those are the people we ought to be thinking about up here," he said.

Thomas' appointment became an issue in the Florida presidential primary when Ronald Reagan's state campaign manager accused Ford of trying to buy Thomas' support with a promise of a federal job.

Thomas, who switched parties to run for governor as a Republican in 1974, said he had supported Ford privately all along, but stayed publicly neutral until he resigned his chairmanship of the Florida Conservative Union a few weeks before the election.

He did not deny that his appointment was political—"they're all political decisions," he said—but he noted that he was offered a federal job even before he announced he was backing Ford.

Thomas said he passed up the earlier offer—to a higher position than the one he now holds—because the Senate probably would have required him to sell all his bank stock at a loss.

He said he never wanted to come to Washington in any capacity—not even as a U.S. senator—but changed his mind when Ford asked him to take the Treasury post.

"I couldn't say no to Gerald Ford," Thomas said. "During the last 36 months I had great cause to question our system of government, and it really hurt. President Ford brought respect and confidence back to the White House, and if he did nothing else but that he would have rendered a great public service."

Thomas clearly believes Ford has done more than that, however—especially in his handling of the nation's economy—and he has spent part of his time in office making campaign speeches on Ford's behalf.

Thomas said most of the speeches, given in conservative states like Alabama and Texas just before key primaries, were incidental to official Treasury Department travel—but the full costs of purely political appearances were charged to the President Ford Committee. He said he picked up part of the tab for the Texas speech himself "to avoid a bookkeeping hassle," and reported it as an in-kind contribution to the Ford campaign.

Thomas turned down a chance to be a Ford delegate to the Republican National Convention, however, because he felt it might have looked "too political."

As for his own political plans, Thomas said he never had a "burning desire to be governor"—despite his sometimes-strident campaign against Gov. Reubin Askew in 1974—and has "no present plans" to run for public office again.

"Washington is not normally the place you'd go if you're thinking about running for office in your state," he said.

Thomas expressed concern that the bitterness of the Ford-Reagan battle for the Republican presidential nomination could leave the party too battered to hold on to the White House in November.

"Conservatives seem to have a death wish," Thomas said. "When you tell them to form a firing squad, they have a habit of forming a circle and shooting at each other."

#### HONORING MRS. ELEANOR SMITH

#### HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. AMBRO. Mr. Speaker, last month, Mrs. Eleanor Smith, a constituent of mine who is president of the Nassau-Suffolk School Boards Association, received that association's 1976 Distinguished Service Award in recognition of her more than 30 years of service to education. In addition to being president of the School Boards Association, Mrs. Smith is now and for many years has been the president of the Elwood School Board—the school system which educated all three of my children, a member of the association's executive committee, a member and chairman of the County Leaders Association of the State School Boards Association, and an area director of Area 12 of the County Leaders Association.

During my 7 years as supervisor of the town of Huntington, I worked closely with Mrs. Smith; this afforded me a first-hand opportunity to see her strong efforts on behalf of education. She is a hard worker, and has long been a leader in the fight to increase the awareness of both the Federal and State legislatures to the problems which school boards face in funding education and governing locally.

The inscription on the award presented to Mrs. Smith read:

Presented to Eleanor M. Smith in recognition of her untiring efforts to improve the educational opportunities for a generation of children by the Nassau-Suffolk School

Boards Association at its 17th annual meeting, June 10, 1976.

I am pleased to have this opportunity to publicly commend Mrs. Smith and to make my colleagues aware of her achievements.

#### SMALL BUSINESS TAX REFORMS

#### HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. COCHRAN. Mr. Speaker, I am co-sponsoring the Small Business Growth and Job Creation Act of 1976 which will reform the present tax laws and provide incentives for small firms to create jobs. The National Federation of Independent Business and its 460,000 member firms enthusiastically endorse this legislation, and I urge the House to adopt it.

The potential for small business to energize the economy is unlimited, yet the Federal Government has been delinquent in providing incentives to small firms which would allow this to occur. Figures show that of the 18½ million jobs that were created between 1950 and 1973, 75 percent were in the distribution and servicing trades where small businesses predominate.

Inflation over the past few years has tested the present tax laws, and small businesses have found it difficult to withstand the pressure these laws impose. Statistics on business failures in 1974 bear this out. More than 10,000 small firms went under for the first time in several years. At Senate hearings in 1975 on small business tax needs, testimony revealed that profits under the impact of these pressures had been declining for the past six quarters. On the other hand, corporate profits had been gaining.

It is clear that larger corporations have the competitive edge on smaller businesses. I firmly believe that incentives must be provided for small business growth to preserve the competitiveness of the American economy and provide avenues for ambition, creativity and individual expression and satisfaction that large enterprises are incapable of providing.

This bill would provide changes in the present tax laws which would foster: Small business independence and continuation; small business growth incentives; and small business tax simplification.

The bill proposes a graduated corporate income tax which would enable small and medium size corporations to accumulate enough capital to stimulate their own growth. Taxing corporations on their ability to pay would also help equalize the unfair competitive capital acquisition advantages enjoyed by big business over smaller firms.

My bill would also adjust holding periods and capital gains rates that would encourage investors to retain their investments for longer periods and help direct them away from speculation and into more stable opportunities like small businesses.

The present estate taxes often force successful, small firms to merge or liquidate in order to avoid payment of the tax. This legislation would update this law so that these businesses can be passed on with equitable treatment being given to the small hard-working businessman and help retain competition in the marketplace.

Gift taxes are also just as unfair as the estate taxes. Changes would be made in this area.

Present tax laws encourage mergers and sellouts. A case in point is the transfer of stock of closely held corporations. My bill would make transfers or sale of stock in these firms nontaxable if the seller reinvests his assets within 2 years. This would treat the sale of stock in a closely held firm the same as the law now treats the sale of a residence.

Changes would also be made in the transfer of business interests at death. Currently, when a owner dies, the heirs must pay a heavy death tax. My bill would change this so that the impact of the tax falls on the heirs if they dispose of the business for profit.

This bill would also eliminate the double taxation on surviving spouses in a business. One hundred percent of a closely held business left to the surviving spouse would be tax-exempt. This would be another method of eliminating pressure to sell or liquidate a business when the principal shareholder or partner dies.

An important aspect of this legislative initiative is the provision for small business growth incentives. A small business would have the option of changing to the simpler and more equitable "cash" accounting method instead of using the required accrual accounting method which is required by the Internal Revenue Service. This would not restrict the business' cash flow and its ability to generate enough capital to meet its day to day operating expenses.

Another incentive would be a deferred tax credit for unincorporated firms to create or retain adequate capital.

Still another incentive would include a graduated investment tax credit which would allow small businesses to purchase capital goods.

Rules would also be changed governing the operation of subchapter S corporations. Present laws often do not allow enough shareholders to raise the capital needed to fuel small businesses. These rules also place too many restrictions on the ability of shareholders to transfer their stock to their children at death.

A fifth incentive would include the creation of a job tax credit. This would encourage small businesses to create jobs by establishing a tax credit high enough to offset the costs of adding new employees that the employer would otherwise have to bear. Presently, job tax credits are not allowed.

Adjustment of depreciation schedules, which would reduce the 100 depreciation guidelines to a schedule of three categories for calculating useful life on an asset, is included in this bill. This measure would simplify the present, complex schedules so that small business persons could understand and utilize them.

Simplifying small business taxes is an-

other area in my bill which would include beneficial changes.

One provision of this bill would allow businesses to claim refunds of overpayments of estimated income taxes immediately instead of waiting until the end of the tax year. This would provide the company with cash if it is badly needed.

This legislation would also end discrimination against new companies, permitting the company to use the net operating loss adjustment. Any company that has been in existence for less than 3 years may still have the option of a total of 8 years of loss carry forward by carrying the loss forward as many years as are necessary to total 8 when added to the number of years which it could carry the loss back.

Another provision of this legislation would increase the accumulated earning credit. Currently the accumulated earnings tax is not imposed on a corporation which has not accumulated earnings over \$150,000. This would be changed to not over \$500,000.

Adjustments would also be made in the treatment of small business stock. At present, an investor in a qualified small business can claim an ordinary loss of \$25,000 if the company fails. This amount would be doubled. Allowing a larger amount to be claimed as ordinary loss would encourage more small business investments because the risk of loss would be somewhat offset by a lower tax consequence if loss did in fact occur.

In my judgment the Small Business Growth and Job Creation Act is a commonsense way of making our Federal laws responsive to one of our important objectives. It will provide more jobs, with little direct cost to Government, than any scheme I have heard proposed. And it will protect the very existence of millions of small family business enterprises which are the backbone of our Nation's economic system.

**RABBI BERNARD ROSENBERG, D.D.,  
D.H.L., OF TEMPLE ISRAEL IN  
STOCKTON, CALIF., RETIRES**

### **HON. JOHN J. McFALL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. McFALL. Mr. Speaker, for 20 years the members of Temple Israel, Congregation Ryhim Ahoovim of Stockton, Calif., have been led by a wise, generous and gifted man, Rabbi Bernard David Rosenberg who is retiring on September 1.

I rise today, Mr. Speaker to make the Members of this House aware of Rabbi Rosenberg's career, countless contributions to his community and to express to him, heartfelt appreciation and best wishes for the future.

The people of Stockton and San Joaquin County, which I am privileged to represent, I know, share a deeply held affection and high regard for Rabbi Rosenberg.

In recognition of his years of service, a testimonial dinner in honor of him and Mrs. Rosenberg will be held on August 28 in Grace Covell Hall of the Uni-

versity of the Pacific in Stockton. That evening, his family, congregation, colleagues, community leaders, and many friends will gather to pay respect and acknowledge with abiding appreciation the years Rabbi Rosenberg has given so much of himself for the well-being of others.

Rabbi Bernard David Rosenberg was born on April 15, 1911, in Chicago, Ill., where he attended elementary school. From there he attended and was graduated from Rayen High School in Youngstown, Ohio. In 1933, Rabbi Rosenberg received his bachelor of arts degree from the University of Cincinnati and the same year received a bachelor of Hebrew degree from Hebrew Union College, also in Cincinnati.

In 1937, he became a Rabbi and received a master of Hebrew law degree from Hebrew Union College. That year he moved to Seattle, Wash., to become associate rabbi of Temple de Hirsch in that city and served that congregation until 1940.

While serving the congregation of Temple de Hirsch, Rabbi Rosenberg married Ruth Phillips on October 28, 1939. Theirs has been a marriage which has endured for nearly four decades. Their daughter, Judith and her husband, Alan Marchick, have made Rabbi and Mrs. Rosenberg grandparents of Dina and Jill.

Rabbi Rosenberg, in 1940, assumed the pulpit of Temple Beth Israel in Tacoma, Wash., a post he held until 1955, although interrupted during World War II when he saw service with the U.S. Army Air Force as a chaplain. He was discharged with the rank of major.

During his years in Seattle and Tacoma, Rabbi Rosenberg, as he was in Stockton, was active in community service. He was a member of the Rotary Clubs of Seattle, Tacoma, Daly City and is a 20-year member of the Stockton Rotary Club.

He served as a member of the board of the Tacoma Rotary Club, as vice president of the Washington State Parent-Teachers' Association, and chaplain of the Rhodes Post of the American Legion in Tacoma.

Other community activities included service as a member of the board and chairman of the budget committee of the Tacoma Good Neighbor Fund, chairman of the Tacoma Community Council, and board member and president of the Tacoma Family Service Agency.

An academician, Rabbi Rosenberg also served as a part time lecturer at the College of Puget Sound in Tacoma.

To meet the growing needs of the Hebrew Community in San Francisco, Rabbi Rosenberg moved to our Bay Area in 1955 and became the founding rabbi of Temple Judea, where he served for 1 year.

In 1956, Rabbi Rosenberg assumed the pulpit of Temple Israel in Stockton. He has led the congregation during years of progress and prosperity. A new sanctuary, temple offices and religious school classrooms have been built.

In his professional capacity, Rabbi Rosenberg has served as a member of the board of rabbis of Northern Cali-



fornia, has held various offices including president of the Western Association of Reform Rabbis, and is a member of the Central Conference of American Rabbis. For many years, Rabbi Rosenberg has been chairman of the Camp for Living Judaism in Saratoga, Calif.

He has held posts of chaplain of the Stockton Fire Department, Jewish chaplain at Deuel Vocational Institution, Stockton State Hospital, the San Joaquin County Sheriff's Department, and St. Joseph's Hospital.

Within the Stockton community, Rabbi Rosenberg has been active in the Stockton Ministerial Association and on the board of Dameron Hospital. He has seen service as a board member and served two terms as chairman of the budget and allocations committee of the United Crusade of Stockton. He is the founder and first president of the Stockton Family Service League and a member of the founding committee of the Boys Club of Stockton, and has served for many years on the board of Boy Scouts, the Mental Health Society, Cancer Society and numerous other civic and social improvement organizations within the community.

He has found time, also, during these very active years to hold the posts of part-time lecturer at the College of Puget Sound in Tacoma, and lecturer in Bible at the University of the Pacific. He now serves as adjunct professor within the university's department of religious studies, a position he will continue to hold.

Rabbi Rosenberg is, I am told, a dynamo in the classroom. For many years his classes have been oversubscribed by students who wait in line for semesters to have the opportunity to receive his classroom instruction.

In 1962, Rabbi Rosenberg was awarded an honorary doctor of divinity degree by Hebrew Union College and has been awarded an honorary doctor of humane letters by Morningside College of Sioux City, Iowa, in recognition of the teaching he has performed at the University of the Pacific.

Outside of the classroom and throughout our whole community, Rabbi Rosenberg's life has been one from which all who know him cannot but have learned from his example that there is joy and fulfillment in serving one's God and His people.

Mr. Speaker, while he is a leader of a faith different from mine, I am proud to refer to him "as my rabbi."

As I close, I want to express again my appreciation to Rabbi Rosenberg and my hope that this wonderful and compassionate man and his wife enjoy a retirement that is filled with peace and well-being.

#### TRIBUTE TO JUSTICE BRENNAN

**HON. BELLA S. ABZUG**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Ms. ABZUG. Mr. Speaker, for the past 20 years our country has been fortunate

enough to have Justice William J. Brennan, Jr. on our Supreme Court. Justice Brennan is a forthright advocate for civil rights and equal opportunity for all people, and has worked and defended this position throughout his career.

This year, Justice Brennan is celebrating his 70th birthday and I would like to take this opportunity to pay tribute to him. Mr. Daniel Crystal, a noted expert in the area of constitutional rights, has written a fine article in the May, 1976 issue of the Reporter regarding Justice Brennan. I would call the attention of my colleagues to this article which follows:

**DISTINGUISHED ADVOCATE FOR FREEDOM:  
JUSTICE WILLIAM J. BRENNAN, JR.**

(By Daniel Crystal)

The years race on, and Mr. Justice William J. Brennan, Jr., is 70 years old. It is an occasion for all in this country and particularly in our own state to take pride in his achievements and to wish him many more years of distinguished advocacy for the Bill of Rights and our fundamental constitutional freedoms.

"Until he came to the Supreme Court of the United States," wrote the late Chief Justice Earl Warren in a tribute to Justice Brennan appearing in the Harvard Law Review of November 1966 commemorating his first decade on the Court, "Justice Brennan never held any judicial position very long because always his abilities were soon recognized and he was promoted to a higher one. Appointed a Superior Court Judge in New Jersey in 1949, he was promoted to the Appellate Division in two years, and one year thereafter to the Supreme Court of New Jersey. For four years he strove there to perfect the judicial system of his state under its newly adopted constitution. It was his dedication to this work that gave him national recognition, and in 1956 he was appointed to the Supreme Court of the United States."

And, the late great Chief Justice added in words having equal applicability today—ten long years later:

"This I must say. He administers the Constitution as a sacred trust, and interprets the Bill of Rights as the heart and life blood of that great charter of freedom. His belief in the dignity of human beings—all human beings—is unbounded. He also believes that without such dignity men cannot be free. These beliefs are apparent in the warp and woof of all his opinions."

It would be all too easy to quote from a whole glittering array of the great men and women of the Bench and Bar who have acclaimed Mr. Justice Brennan. We added to the number in our May 1972 issue when we brought to our readers tributes to him written especially for The Reporter by Chief Justice Earl Warren and Justices Tom C. Clark, Arthur J. Goldberg, and Stanley Reed. Nothing that has ever appeared in our little publication thrilled us as much as the feeling that somehow we could repay him in some degree for his stalwart defense of the Bill of Rights by surprising him with these tributes from his own peers. And in that issue we put together an essay on the Bill of Rights, all in his eloquent words—a mosaic of quotations from his opinions and speeches.

That issue of May 1972 was the second time The Reporter had stressed how fortunate the country has been to have Mr. Justice Brennan sitting on its highest court. The November 1956 Reporter was notable for one of those priceless pieces by J. L. Bernstein, entitled "The Philosophy of Mr. Justice Brennan," noting his appointment to the High Court a month earlier. Bernstein was right on target with this brilliant prediction:

"The first State judge to come to the Supreme Court since Benjamin Cardozo, as has

been pointed out, and the first non-partisan appointment since then at that, Brennan has youth, learning, and native ability in his favor. He has a fine opportunity to become a co-architect with other great judges of the constitutional structure of civil liberties. The cause of freedom is largely in the custody of the courts today, if they will not have a cavalier disregard of the facts of life. But Justice William J. Brennan, Jr., is hardly one to have obtuse indifference to the vital issues at stake in the middle-twentieth century."

Twenty long years have passed. They have erased Justice Brennan's right to be referred to as chronologically young (although in many ways his opinions reflect an approach toward life and law that is eternally youthfully minded).

But those twenty years have been of immeasurable importance in American law and in the endless battle to preserve the Bill of Rights and make it a living reality, not an embalmed repository of fine-sounding promises, honored in the breach instead of daily respect for its precepts. Mr. Justice Brennan has written his mark large in our legal history. Like others who served on the Warren Court with him, particularly Mr. Justice Douglas who retired this year, they have been participants in a good fight that must continue to be waged, regardless of what appears now to be a swing backward toward far narrower and more rigid views of the meaning of the Constitution.

Jack Bernstein's prediction has been proved again and again to be correct. The record has been written in part. No need for Mr. Justice Brennan to flinch at those grim words of Omar Khayyam in the Rubaiyat:

The Moving Finger writes; and having writ,  
Moves on; nor all your Piety nor Wit

Shall lure it back to cancel half a line,  
Nor all your Tears wash out a Word of it.

We shall leave to others the monument building of analyzing and appraising the opinions of Justice Brennan. We simply lack the space to do justice to the contributions he has made to constitutional law. And yet it is possible, even within our space restrictions, to pass on to our readers parts of the vision and clarity of thought which marks his approach toward law.

After all, foraging for eloquent scraps of personal philosophy in the various opinions and dissents Justice Brennan has written is subject to one rather obvious flaw. The connections are lacking. The sense of unity and of synthesis of view is missing. A judge is in some respects like an oyster, waiting patiently for what the tide will wait to him. Whatever links to make clear a jurist's overall approach toward law can be derived from disparate opinions are vulnerable to the criticism that they reflect equally the views of the one who culled out these highlights of opinions and put his own benchmark of meaning and interrelationship on them.

Guesswork and speculation are unnecessary in Justice Brennan's case. He has been a prolific writer for the law reviews and an eloquent speaker. He has made clear his own views in his own words and on his own terms. And the measure of the man and of the justice can be taken from those published articles and speeches.

In a Commencement Address, for example, at the Centennial of Notre Dame Law School (44 NOTRE DAME LAWYER 1029 (1969)) Justice Brennan addressed himself squarely to a topic of particular relevance to Law Day 1976, or, indeed, Law Day of any year. He there soberly acknowledged that the law and the legal system are under heavy attack by disaffected groups in our society. This attack, he noted, takes two forms:

"The law and the legal system as they exist today are challenged as basically in-

equitable to all those who have been unable to participate fully in the economic and political life of the nation. With rising vehemence, the disaffected point to, among other examples, the blatant inequities in our criminal law and procedures, in our tax and welfare systems, in our selective service system. They demand change now: all deliberate speed is no longer enough.

"The second challenge to law and the legal order is even more fundamental—and has even more ominous portent. It brings under attack the rule of law itself."

And in forthright, unequivocal words, Justice Brennan spoke directly to these challenges in this seminal address at Notre Dame Law School:

"How are we to meet these challenges? It is easy and traditional to extol the virtues of the rule of law and to describe the horrors that would attend an anarchistic society. But we cannot content ourselves with an answer which relies on such abstractions. A philosophical disquisition on the virtues of the rule of law cannot justify inequities in our present legal system. Our first task, therefore, is to demonstrate that we recognize these inequities and are confronting them with a promise of solution. Only if we succeed in this task will it be appropriate to glorify the rule of law."

"Our framework is the activist philosophy of government that emerged from the depression of the 1930's. Our governmental response to that great crisis marked our beginnings as what has been called a 'Positive State.' The positive state conceives of government as having an affirmative role—a positive duty to make provisions for jobs, social security, medical care, housing and thereby give real substance to our cherished values of liberty, equality and dignity. If I may adapt the suggestion of one commentator, Arthur Selwyn Miller, this is a duty rather similar to that expressed in the Universal Declaration of Human Rights. In that Declaration, certain economic and social rights are stated. For example, the rights to work, to equal pay for equal work, to rest and leisure, to an adequate standard of living, to education, to participate in the cultural life of the community. Utopian though it may be, unratified by the United States as it is, unfulfilled for most of the people of the world, the Declaration nevertheless helps point the way in which law and, I hope, society are moving."

"Essentially, of course, these goals recognize the necessity for, and determination to achieve, equal rights for all, protection of the underdog and respect for the dignity of man in a confusingly complex society. The ceaseless insistence of the disaffected upon their right to share these values means that law and lawyers can no longer eschew a role in perfecting the use of government as a social instrument."

It is a truism, Justice Brennan recognizes, and has been since de Tocqueville wrote so discerningly of American society in the nineteenth century, that lawyers occupy a strategic role in the ordering of our society. It is not merely because the law trains one in habits and analysis which can be applied fruitfully throughout the range of social problems, or that individuals disposed to follow a career in politics or public service have inclined toward training themselves as lawyers. Equally significantly, he noted, "is the fact that governmental action which in other societies is exclusively the purview of administrators or legislators is, in America, subject also to judicial or quasi-judicial scrutiny. We have been a legalistic society from the beginning. Lawyers were conspicuous in the vanguard of the revolutionary movement and in the drafting of the Constitution, and ever since our society has framed urgent social, economic and political questions in legal terms, placing great problems of social order in the hands of lawyers for their definition,

and in the hands of judges for their ultimate resolution."

And Justice Brennan was candid and blunt in calling upon lawyers to make real contributions, to meet their professional responsibilities, to use their training freely to help others instead of simply to earn a good living for themselves. In his sober words:

"What affirmative, responsible and progressive actions can the legal profession take to meet current problems and avert future crises? Today the focus has shifted from the abuses of concentrated economic power and the vagaries of cycles of boom and bust. Society's overriding concern today is with providing freedom and equality of rights and opportunities, in a realistic and not merely formal sense, to all the people of this nation: justice, equal and practical, to the poor, to the members of minority groups, to the criminally accused, to the displaced persons of the technological revolution, to alienated youth, to the urban masses, to the unrepresented consumers—to all, in short, who do not partake of the abundance of American life."

"Involvement of lawyers in that quest is a moral imperative, for it seems to me unquestionable that the lawyer in America is uniquely situated to play a creative role in American social progress. Indeed, I would make bold to suggest that the success with which he responds to the challenges of what, in an era of crises, is also a new era of promise in the life of our nation, may prove decisive in determining the outcome of this struggle."

New techniques in the law are urgently needed, in Justice Brennan's view. The assurance of equal rights and opportunities to all, he recognizes, will require new techniques and involve new areas of law, such as consumer protection, landlord-tenant relations and general welfare law, including public assistance, housing, education and training programs, child welfare services and unemployment. The law schools must adapt themselves to the urgent task to produce the young lawyers who will be ready to undertake the weighty and different responsibilities of devising means of solving social problems other than through counselling, negotiation, or judicial or administrative proceedings.

At the same time, older lawyers too must rise to the challenge of utilizing their legal and professional skills in the task of remedying the inequities in our law and legal system. That is not the responsibility only of the young members of the bar, Justice Brennan cautioned his attentive audience at the Notre Dame Law School Centennial. As he put it:

"The idea that the public sector should be serviced by young lawyers while older, more experienced lawyers concern themselves only with more lucrative private practice is a pernicious one. The talents and experience of the older practitioner are sorely needed in the public sector. To rebuild our cities, for example, will require the assistance of tax, real estate, and corporation lawyers—men who know how to organize new businesses and plan new projects. The services of first-rate commercial lawyers are necessary if consumer fraud is to be combatted. If we are to restructure our criminal law system to ensure both public safety and rehabilitation of criminals we will need the help of experienced district attorneys and defense lawyers. These tasks cannot be left solely to men just out of law school."

Lawyers who this month celebrated Law Day would do well to ponder long and hard Justice Brennan's demand that lawyers measure up to the high responsibility their professional training has given them at the same time it has made possible for many an open sesame to power and financial independence:

"The widespread cynicism among the disaffected that progress cannot be achieved under law also has roots in the not un-

founded conviction that present legislation and court decisions fall short of effecting meaningful change in the life patterns of the expected beneficiaries. Those who dwell in urban tenements and rural shacks, as well as their sympathizers, seeing no tangible results, ask what good are laws and court decisions. It is at this point that faith in progress under law disappears, and apostles of violence and revolution begin to make headway. Thus, we, too, must recognize that past legislation and decisions have hardly begun to eliminate the legal inequities in our society. We must redouble our own efforts not merely by giving effect to those laws already on the books but by leading the effort for new legislation to achieve real equity. Certainly, we as lawyers know the difference between formal and real equality, and therefore we must lead the fight to close the gap between the two."

Lecturing the disaffected or merely reacting to them will not suffice is the urgent message Mr. Justice Brennan was attempting to convey. As he put it:

"We must seek to lead. The only way to demonstrate that the rule of law is consonant with a just and equitable society is to adopt the legal process to create such a society. That process will not fail us if we try. But let us delay no longer. Let us begin."

This is the genuine voice of a modern day Founding Father, one who bridges the centuries between those who forced the Tories of their own day to accede to a Bill of Rights and those who today fight to preserve that same Bill of Rights and make it real for the disadvantaged and the dispossessed. It is an approach toward law that one gleams only by inference and surmise in the disparate opinions where Mr. Justice Brennan has dealt with the myriad separate issues that are presented by the cases the Court agrees to accept for review. It is the approach of a legal and judicial activist, of a realist who refuses to say with the Bourbons, "Après moi, le déluge."

And it is the authentic voice too of a jurist and a man who extends a strong hand to the unknowable future and does what he can to pass on to them the Bill of Rights bequeathed to all of us by a bygone generation of great political thinkers and innovators. It is the compassionate, wise voice of a man who, giving another Centennial Address, that one at the Centennial Convocation of The George Washington University Law School, October 12, 1965, quoted from an old Oriental proverb:

If you want to plan for a year, plant rice  
If you want to plan for ten years, plant a tree  
If you want to plan for life, educate a man.

It is the voice happily of a jurist who at the age of 70 in the full vigor of his intellectual strength, moral fervor, and dedication to the Bill of Rights continues to write opinions and speak his mind from the same determined view of law that he expressed eloquently in the closing passage of a speech he gave in 1965 again at Notre Dame Law School (Brennan, Constitutional Adjudication, 40 Notre Dame Law 359, 369 (1965)):

"The constant for Americans, for our ancestors, for ourselves, and we hope for future generations, is our commitment to the constitutional ideal for libertarian dignity protected through law. Crises in prospect are creating, and will create, more and more threats to the achievement of that ideal—more and more collision of the individual with his government. The need for judicial vigilance in the service of that ideal will not lessen. It will remain the business of judges to protect fundamental constitutional rights which will be threatened in ways not possibly envisaged by the Framers. Justices yet to sit, like their predecessors, are destined to labor earnestly in that endeavor—we hope with wisdom to reconcile the complex realities of their times with the principles which mark



a free people. For as the nation moves ever forward towards its goals of liberty and freedom . . . the role of the Supreme Court will ever be the same—to justify Madison's faith that 'independent tribunals of justice will consider themselves in a peculiar manner the guardians of (constitutional) rights.'"

#### CAPTIVE NATIONS WEEK

### HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. AMBRO. Mr. Speaker, the week of July 19 represented the solemn observance of Captive Nations Week. A month ago, we commemorated the 36th anniversary of the forcible occupation and annexation of Lithuania into the Soviet Union as well as the 35th anniversary of the deportation of approximately 100,000 Lithuanians, Latvians, and Estonians to deadly Siberian slave labor camps by the Soviet Union. Today we participate in another somber observance. During this week, we in the United States who enjoy the blessings of liberty and self-determination remember those who are not so fortunate. For far too long, many Baltic and East European nations have been subjected to Soviet colonial tyranny so, today, I join together with East European Americans and indeed all Americans in an expression of sympathy for these tragically oppressed peoples.

Let it not be thought that these people submitted meekly. To the contrary, many of them fought bravely against overwhelming odds, trying vainly to free themselves from the oppressive domination of the Soviet Army. Who can forget the grim sight of Hungarian or Czechoslovakian students throwing rocks at Soviet tanks? Only a few weeks ago, the outbreak of rioting in Poland demonstrated to the world that the ideals of freedom are still alive in Eastern Europe.

Of the many atrocities committed by the Soviet Union against the people of these captive nations, those perpetrated against the people of Latvia, Lithuania, and Estonia are especially appalling. Thirty-six years ago, the people of these nations were unjustly deprived of their inalienable right to self-determination by the Soviet Army. Only 1 year later, the mass deportations began as tens of thousands of already enslaved Baltic people received midnight visits from Russian soldiers. They were dragged from their homes and packed into freight cars like cattle, with husbands separated from wives and children separated from parents. The long journey killed many of the weak and sick, their bodies being tossed out of the train by the guards. Those fortunate enough to survive reached slave labor camps where many more perished in the mines and forests or were annihilated by the cold, the starvation, and diseases because they lacked proper clothing, food, and medical attention.

Mr. Speaker, all those who believe in fundamental human rights must cringe at the horrors of the Soviet treatment

of the people of Eastern Europe. It is a terrible tragedy that, since the end of World War II, these people have been suffering the indignities of colonialism. I ask my colleagues to join me in mourning the loss of all those people who were killed by the Russians, honoring those who had the courage to fight back, and affirming the right of all people to self-determination.

#### ECONOMIC BLOOM STILL ROSY

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. DERWINSKI. Mr. Speaker, in the Chicago Daily News on Monday, July 26, a very objective commentary on the economic picture analyzes the economic trends and emphasizes the overall strength, growth and stability of the U.S. economy.

The article follows:

#### ECONOMIC BLOOM STILL ROSY

The consensus among economists—a group notorious for agreeing on little else besides the day of the week—is that the U.S. economy will maintain its moderate, steady growth through 1977. The economic signposts are a bit confusing, pointing this way and that, but the economists generally are of a mind that the next recession won't be encountered before early 1978, if then.

The nation's output of goods and services rose at a 4.4-per cent annual rate in the April-to-June quarter. That was less than half the rate scored in the first three months of this year, but the slowup was widely expected, and most forecasters feared that a much higher rate would rekindle the budget-burning fires of inflation. Consumer prices rose at a worrisome 6-per cent rate last month, but that was better than the previous month, and it appears that 1976 consumer prices will come in about 5 per cent higher than 1975, when prices spurred by nearly 7 per cent over the previous year. Unemployment remains high at 7.5 per cent of the labor force. But the trend is downward, and even many Democratic economists concede the administration's contention that the rate will be below 7 per cent in December, and more workers will be employed than ever before.

The rosy economic glow should be enhancing President Ford's election prospects. Voters have never shown much inclination to turn out the White House resident when the economy is on the upswing and the nation is at peace. But Ford is having trouble just getting past Ronald Reagan to win the Republican nomination.

Ford has shown a puzzling inability to get any credit for the economic upturn. And little wonder. Much of the economic gain since Ford has been President was preordained, coming after a once-in-a-lifetime combination of events—devaluation of the dollar, the end of wage and price controls, an explosion in commodity prices and quadrupling of oil prices. The economy had been tinkered with, fine tuned and trampled so that whatever strength it could muster was smothered. It needed quiet recuperation, not intense rehabilitation, and Ford had the sense to follow the instructions.

The wisdom of that course has been confirmed by the economic statistics, but they still leave Ford faced with the puzzle of how to claim credit for showing restraint.

#### ABUSING THE LAW IN KOREA

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. FRASER. Mr. Speaker, the Washington Post, Sunday, August 1, published an article by John Saar, a Post correspondent stationed in Tokyo. "Abusing the Law in Korea" makes clear a point many in this country have been trying to make: To combat the authoritarian Communist Government in North Korea, the South Korean Government is becoming like the North Koreans.

Saar's last two paragraphs bring this home:

Minister Whang [South Korean Justice Minister] derided North Korea for "kangaroo courts" and a criminal code which provides that crime is any act feared to endanger the People's Republic of Korea as well as its law and order.

The description comes uncomfortably close to fitting some aspects of justice in South Korea.

Saar's essay confirms his conclusion. I hope many of my colleagues will read "Abusing the Law in Korea."

The article follows:

#### ABUSING THE LAW IN KOREA

By John Saar

SEOUL.—Before a prominent South Korean lawyer agreed to defend accused Christian and political leaders in a Seoul criminal trial this year, he drew up his will and called a family conference. His conscience dictated that he accept the brief in defiance of death threats by the country's secret police, the Korean Central Intelligence Agency, and he wanted family to understand his decision and its possible consequences.

He also underwent an extensive medical checkup, including X-rays, so that in the event of his death signs of torture would be readily detectable.

The lawyer's alarm was triggered by a hint that he found particularly ominous. "If you dare to defend, you're going to be the next Chang Jun Ha," a government agent warned him, referring to a widely admired writer and opposition politician, outspoken in his criticism of President Park Chung Hee. Chang died last year in a "climbing accident" that raised many suspicions in Seoul.

The lawyer would not comment on the attempt to intimidate him; to do so would invite prosecution under a statute forbidding "slandorous" conversations with foreign journalists. But his friends confirm the story and say it is consistent with a pattern of intimidation directed at others among the 27 lawyers defending 18 prominent Koreans accused of trying to overthrow the Park regime.

Practicing lawyers and foreign experts in Seoul believe that justice—the citizen's right to a fair and speedy trial—has been perverted and abused by the present government as the key tool in a systematic campaign to crush all political opposition. They complain privately of vindictive laws, rigged prosecutions, forced confessions and government pressure on judges to secure dubious convictions and overly harsh sentences.

Journalist Lee Pu Young, who irritated authorities by leading a reporters' strike against censorship, was arrested a year ago on the familiar charge of plotting to overthrow President Park. Lee told an appeals court he had been forced to make a false confession, and the principal government witness—excused from persecution on

grounds of insanity—said he could remember nothing of the alleged plot. The court reduced Lee's eight-year sentence to two and a half years, but upheld the conviction.

Justice Minister Whang San Duk, a former law professor, claims that government interference in the administration of justice is "strictly prohibited." Judges are free to rule as law and conscience decree, he said in an interview, and allegations that "judges who decline to cooperate are removed from office are totally groundless."

Lawyers say justice is meted out fairly in the ordinary criminal cases that make up most of the courts' calendars; the abuses arise in cases allegedly involving challenges to the government's authority.

In the most notorious example, eight members of the People's Revolutionary Party were hanged in April 1975 for "attempting a violent and bloody overthrow of government." An Amnesty International report concluded that the prosecution was a fabrication, but poet Kim Chi Ha, already serving one life sentence, is on trial anew for saying the same thing.

Although the case against the members of the People's Revolutionary Party was, in the view of impartial jurists, an elaborate fraud, 15 of the defendants are still serving terms ranging from 10 years to life. Four of them have been tortured and held in solitary confinement for two years, according to the wife of one of the imprisoned men, for refusing to make false confessions.

#### POWER OVER JUDGES

The consensus of many lawyers interviewed in Seoul is that independence of the judiciary vanished, except in theory, in 1972 when President Park, ruling under martial law, promulgated a new constitution giving him the right to appoint judges, from chief justice of the Supreme Court on down.

In 1973, approximately a third of the judges staged a short-lived revolt against prosecution pressure. For unspecified reasons, some 30 judges, including seven Supreme Court justices, were not reappointed.

Fear of not being renamed on expiration of their 10-year terms or of transfer to the provinces—the fate of a judge who issued a ruling favorable to opposition figure Kim Dae Jung—has reportedly rendered the judges docile and amenable to KCIA manipulation of South Korea's juryless courts. In a state where all power emanates from the president and judges see their careers at stake, one bright young lawyer said, there's an atmosphere of terror in the courthouse that makes it useless to talk about justice.

In mid-May 1975, under the rule-by-decree powers of the "revitalizing" constitution, Park promulgated Emergency Measure No. 9, a formidable law that outlaws virtually all outlets of peaceful opposition. Since then, about 150 students have been arrested and half of them sentenced.

For such offenses as distributing a declaration favoring democracy or a document smuggled from Kim Chi Ha's cell, in which the poet renounced an earlier confession as made under duress, students have been sentenced to as much as 10 years. Last month, five Catholic seminarians received sentences ranging up to five years for printing and distributing a poem written by someone else.

Habeas corpus was another casualty of the 1972 constitutional revision. Suspects are commonly held for weeks without access to lawyers, or publication of arrest warrants and charges. Many Seoul lawyers believe that measures as sweeping as EM-9 are illegal; but the constitutionality of laws cannot now be challenged in South Korea's courts.

The laws are applied with bewildering intricacy to shield South Korea's leader and constitution from criticism. Kim Chol, founder of the Socialist Party, is serving a two-year sentence. He was prosecuted under the

anti-Communist law for allegedly aiding the Communist cause by publishing the indictment in the case of a man convicted of insulting President Park.

#### "A GREAT TRAGEDY"

Justice Minister Whang defends the emergency measures as similar to steps taken by other countries and as required by "the urgent necessity to protect the national security and survival of our people."

"Imagine what you would do with Kim Chi Ha in Washington, D.C., if you had a Red Army from the Soviet Union out at Dulles Airport, which is about how far we are from North Korea," Whang argued.

Oppositionists contend that Park invokes the Communist bogey as an excuse to consolidate and perpetuate his regime, and, many lawyers agree that there is substance to this charge. "The government prosecutes anti-regime people under the pretext that they are Communists," a wealthy attorney told me. No one disputes that South Korea is the most virulently anti-Communist nation in the world—a diplomat calls it "an understandable national paranoia"—or that the fallout bears profoundly dangerous consequences for anyone accused of being a Communist or helping the Communists.

During the interview, Minister Whang slid a hand-drawn map of Asia across a coffee table. It explained, he said, the uniqueness of South Korea's situation. The Communist countries were colored red. South Korea alone was a tiny speck of all-white. Other countries, including Japan, Thailand, Malaysia and Indonesia, were diagonally striped in red—denoting, Whang explained, "semi-red, meaning coexistent philosophies."

The minister used the words "dissident" and "Communist" interchangeably about such opposition figures as Yyn Po Sun, a former president of the country with impeccable anti-Communist credentials. The cold war atmosphere has spawned an epidemic of red-hunting and red-branding. Twelve Christian leaders and social workers from a Seoul urban mission were released this month after six weeks of interrogation in what they said was a fruitless effort by police authorities to fabricate a Communist-plot charge.

The spirit of extreme anticommunism common among Seoul prosecutors, contrasted with the accommodating mood in Japan, where colonies of North and South Koreans live side by side, has contributed to what a Japanese correspondent in the South Korean capital calls "a great tragedy."

Of eight persons under sentence of death for spying for Pyongyang, six are Korean residents of Japan. Observers estimate that between 30 and 40 other Koreans from Japan, mostly students, are serving heavy prison sentences. Some have admitted traveling to North Korea for espionage training, and observers accept most of the convictions as reasonable. The question they ask is whether campus spying by gullible students deserves the supreme punishment.

On occasion, the politically associated trials lapse into protracted ideological inquiries that bear striking similarities to the religious trials of the Middle Ages. In seeking to prove that he is not a Communist but a Catholic radical, Kim Chi Ha has quoted voluminously from the Scriptures and from more than 20 theologians, ranging from Thomas Aquinas to the Catholic liberation activists in South America.

"The emphasis in all these cases," an American resident in Seoul says, "is not what you've done, but what you are." A Jesuit missionary underlined the difficulty of proving ideological purity. "Just by quoting the Pope I can find something that would put a Korean in jail very easily," he said.

Minister Whang derided North Korea for "kangaroo courts" and a criminal code which "provides that crime is any act feared to

endanger the People's Republic of Korea as well as its law and order."

The description comes uncomfortably close to fitting some aspects of justice in South Korea.

#### UNITED STATES-SOVIET RELATIONS

### HON. CARLIS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mrs. COLLINS of Illinois. Mr. Speaker, I recently read an extremely interesting and timely article in the Economist of July 3, 1976. The article raises questions about United States-Soviet affairs and specifically examines our perceptions about the Soviets. It has been my opinion for some time that our foreign policy has been dominated by a bipolar view of the world. It seems, all too frequently, that our actions are constrained by a concern for balancing American interests against Soviet interests in efforts to advance détente at all costs. In short, it appears we have tended to view United States-Soviet relations as the core of all international affairs matters. I would go a step further and say such a bipolar view of the world has so dominated our approach to problems that we have heard our officials talk openly about the "Soviet empire" and its rightful extension into Eastern Europe.

Mr. Speaker, this article points out very well that the recent electoral events in Western Europe and the workers' actions in Eastern Europe are cause for the United States to rethink its view of United States-Soviet relations. It is plain that we cannot defer to Soviet hegemony in any region of the world.

I trust my colleagues will find this article provocative:

#### BETWEEN BREZHNEV'S TOES

The Polish workers who ripped up the railway line outside Warsaw on June 25th to stop their government putting up the price of food may have given the signal for a change of western policy towards the Soviet empire. (It is no longer necessary to assume that any change for the better in Russia's dependencies in eastern Europe can be brought about only through the approval of Mr. Brezhnev; maybe it can be done despite Mr. Brezhnev.)

On the same day as Polish strikers were vetoing their government's price policy, Mr. Henry Kissinger was saying in London that the Americans "recognise no spheres of influence and no pretensions to hegemony" in eastern Europe. That is not quite how his assistant Mr. Helmut Sonnenfeldt put it last December: Mr. Sonnenfeldt said that the smaller east European countries ought to become more independent of Russia, but then he ruffled the hawks' leathers by adding "within the context of a strong Soviet geopolitical influence." Mr. Kissinger has deleted that complaisant phrase. What is the connection between the Soviet Union's relationship with the governments of eastern Europe and the problems those governments face in dealing with their own peoples? It is that, for the past 10 years, the west has acted as if the key to change in eastern Europe lay exclusively in Moscow as if nothing could be done to improve the lot of Poles and Czechoslovaks and the rest without the blessing of the Soviet government. For three



reasons, it is time to ask whether that western policy is still the right one.

#### THE POLICY THAT RAN INTO THE STOPS

First, the policy of concentrating on Moscow has achieved just about as much as it was ever likely to achieve, which was not very much. Back in the late 1960s it made sense to think that the road to change in eastern Europe would have to run through Mr. Brezhnev's office. The Soviet invasion of Czechoslovakia in 1968 appeared to confirm the lesson of the Soviet interventions in East Germany in 1953 and Hungary in 1956: nothing could happen in Russia's dominions, it then seemed, that Russia did not like. And indeed, in Russia itself, the west's decision to focus its efforts on influencing Russian policy did produce some modest benefits. It was western pressure that helped to get exit permits for quite a lot of Soviet Jews, and some other dissidents as well; it is the scrutiny of the western media that has kept some of the other dissidents who remain in Russia out of prison. This willingness by Mr. Brezhnev to let a few hornets go on buzzing has spread into the more liberal east European countries, such as Poland and Hungary. But in what matters most to Mr. Brezhnev—the preservation by communist governments of all the rest of their apparatus of political and economic control—the Soviet Union's leader has made it quite plain that there will be no change if he can help it.

Second, however, it has begun to look as if he may not be able to help it, at least as much as he originally thought. The long delayed conference of all Europe's communist parties which was eventually held in East Berlin this week confirms that Mr. Brezhnev's power to give orders to other communists is much more limited than it used to be. The slogan of "proletarian internationalism" meaning do as Moscow tells you—made no appearance at the conference, and Mr. Brezhnev was obliged to listen to Rumanian and Spanish communists telling him that each communist party should do what it thinks is in its own best interests. In the short run, this may not do much for the east Europeans who have Soviet divisions squatting on their territory. But in the longer run the sight of Italian and Spanish communists insisting on going their own way—and, which is the heart of the matter, winning public support by doing so—is unlikely to go unnoticed by the governments in Warsaw and Budapest, and even in Prague and East Berlin.

Third, therefore, it is important to note this past week's evidence that eastern Europe is by no means the docile and quiescent place the Russians have spent the past few years trying to make it seem. *The Economist* had better make it clear that, on the economics of the issue which blew up in Poland last week, we think the Polish government was right and its worker-opponents wrong. Food prices in Poland have been kept artificially static, partly by holding down the real incomes of farmers while the real wages of industrial workers have risen quite fast, but mainly by subsidies which now take up almost 8% of the national income. These are nonsense, and will have to be stopped some time. But the real point of the Poles' protests on June 25th is for the Communist world's politicians, not its economists.

The Polish expression shows that even in the most economically successful of all the communist states—Poland claims that its real gross national product has been going up on average by over 10% a year in the past four years—a large number of industrial workers still feel disgruntled enough to resort to violence rather than accept a modest, temporary and economically rational check in the improvement of their living standards. It also shows that they can make their protest stick: the people, when they feel strongly enough, have a veto on the party's

will. But it can hardly have escaped the attention of the Polish government, and of the other east European governments, that a system which jerks between the party's yea and the urban population's nay is a peculiar way to run a country. The isolation of Poland's communist party from the public opinion it claims to represent has not been cured by Mr. Gierek's perfectly genuine attempt in recent years to meet more people, and explain his policies better, than most other communist leaders do.

The moral of the Polish affair is a radical one. If communist parties are not to keep on losing contact with public opinion, they will have to change the way they organize themselves which means introducing the principle of pluralism; which means abandoning Lenin's idea of a monolithic and all-powerful party, which is the basis of the way all communist parties except (perhaps) a few west European ones now organize themselves.

#### WHAT THE WEST CAN DO

All this suggests that there is more possibility of change in the smaller east European countries than there is in the ironclad rigidity of the Soviet Union itself; and that the western democracies should look to these countries rather than to Russia, as the focus of their eastern policy. Can the west do anything to help a gradual and controlled liberalisation of eastern Europe? Yes. For instance:

It can make it clear to these countries that they have rather more scope for running their affairs in ways Mr. Brezhnev may not enjoy than some of them perhaps realise. Hungary runs a looser (and therefore more efficient) economic planning system than Russia does. Poland allows its middle class a bit more freedom of speech and travel, and has a decollectivised peasantry. Rumania runs a markedly non-Brezhnev-type foreign policy. If an east European country tried to combine, say, two of these measures of independence, it is unlikely that the Russia of the second half of the 1970s would intervene to prevent it by force—because such behaviour would cost Russia dear in its hopes of western economic assistance, and in its already fragile influence over the communists of western Europe.

The west could shape its credit policy, including helping to finance the movement of western technology into parts of the communist world, so that more of its economic help goes to those east European countries which show most signs of liberalising themselves. This year's west German deal with Poland gave the Poles a large, cheap loan in return for their release of more ethnic Germans who want to go and live in Germany. It would make even better sense for future help to be steered towards countries that seem to be loosening the Leninist system—because such countries' economies are likely to work more efficiently.

The EEC might offer to include more east European countries in its system of generalised preferences. So far only Rumania enjoys this advantage, because only Rumania has decided to brush aside Russian disapproval; but others might risk it later. And helping eastern Europe is another argument for reforming the EEC's common agricultural policy; if the CAP were changed to put less reliance on the common price system which helps rich farmers and poor alike, and more on direct subsidies for the poorer ones, there might be room for the east Europeans to sell more of their (very good) farm produce to west Europeans.

None of this it should be clear, is within a mile of the "rollback" policy that John Foster Dulles talked about in the early 1950s. It would not re-establish a precommunist system in eastern Europe. Its aim would be to encourage those communist parties in the region which see the advantage of trying to move in the direction in which Mr. Berlinguer's Italian Communists claim to be

pointing. The west's reply to "proletarian internationalism" is self-determination; and it should help the people of eastern Europe who want to try to struggle out from under Mr. Brezhnev's toes.

#### SIX-MONTH SUMMARY JANUARY-JUNE 1976

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. MAZZOLI. Mr. Speaker, continuing my practice of making periodic reports to my constituents, I am inserting in the RECORD a summary of the legislative activities from January 1 to July 1, 1976—the first half of the second and last session of the 94th Congress.

#### SIX-MONTH SUMMARY

For those of us concerned with the need to abolish fiscal responsibility in the Federal Government, 1976 has proven a banner year. For the first time in history, Congress has demonstrated its ability to plan a budget in advance of a fiscal year, and then successfully stick to that budget.

If 1976 has proven a successful year fiscally, however, it has also seen the emergence of congressional scandals of unprecedented scope and magnitude.

I deplore such scandals, especially since they come at a time when the American people need to have their confidence in their Government reinforced rather than weakened. However, remedial action has already been taken, and I hope that such moves will prevent recurrence of these abuses in the future.

At home, the second year of court-ordered busing approaches. While there have been no significant changes in Louisville's situation—at either Federal or local levels—I continue to press for action to ease or end forced busing in the Louisville area schools.

For a better view of what occurred during the first half of this session I have broken down the various issues by subject matter, as follows:

#### BUDGET, TAXATION, AND FINANCE

The 94th Congress may well be remembered as the legislature which brought order, method, and direction to the planning of the Federal budget. Heretofore it has been a chaotic, helter-skelter process.

Under the new procedures of the Budget Reform Act, smaller deficits and greater revenues have developed than had been estimated, and the long, hard road to a balanced national budget has begun.

Prior to fiscal 1976, the Federal budget planning process operated almost at random. House and Senate committees reported appropriations bills to the floor with little regard for the total spending or for their overall impact on budget deficits.

To remedy this intolerable situation, in 1974 Congress enacted the Budget Resolution Act. It had my enthusiastic support from the "opening bell."

Under this new budget procedure, all committees must report tentative spending recommendations to their respective

budget committees by March 15. Then the budget committees review and adjust these recommendations, forming them into a cohesive, planned budget.

This budget includes proposed ceilings on expenditures, estimated revenues, estimated deficits, and so forth.

Congress must approve this target budget by May 15 of each year.

Through the summer, the House takes final and binding action on spending bills, always, however, keeping the target budget—adopted the previous spring—in mind.

By September 15, Congress must approve the final budget resolution for the fiscal year beginning October 1. The old fiscal year start of July 1 was revised by the Budget Resolution Act.

This budget resolution sets final spending ceilings and revenue floors. Any later measure which would force expenditures above the ceiling, or lower revenues below the floor, can be ruled out of order, and, thus, rejected.

The budget process is complex, but it has led to a rational, successful planning of our budget.

The new budget procedure was begun on a trial basis in fiscal year 1976, which ended this past June 30. I am pleased to report that, according to congressional estimates, final outlays for fiscal 1976 are \$2.43 billion under the original estimates, while revenues are \$0.3 billion above the original estimates. The final deficit, therefore, is \$2.73 billion below the estimates.

That is no small achievement when one considers that increased deficits have been the "order of the day" around the White House and Capitol Hill for so long.

Figures published by the administration—which uses different accounting procedures than Congress—are even more encouraging. According to administration figures, receipts are \$2.5 billion above the January budget estimate. Expenditures are \$3.5 billion below the January estimate, and the deficit is \$4 billion less than the January prediction.

Representative BROCK ADAMS, chairman of the House Budget Committee, expects an even more successful fiscal year 1977 budget, predicting that in fiscal year 1977 the Federal deficit will be reduced by fully one-third.

While it has been a rugged process, Congress so far is holding to its fiscal guns for fiscal year 1977. And Congress is adhering to the very demanding time frame set forth in the Budget Act.

In June five appropriations measures were sent to the White House; three more passed both House and Senate; three have passed the House and are awaiting Senate action. Only two appropriations measures await House action.

I am pleased with the success of the budget planning process because its success is essential to the fiscal health of the Federal Government.

To supplement these new congressional budget procedures, I have introduced a measure which would require the balancing of the Federal budget in 5 years—by fiscal year 1981. While I am hopeful that the budget process alone will lead to a balanced budget, my measure will add impetus to the move to a balanced national budget.

In other actions related to finance, Congress passed and sent to the President a measure freezing withholding taxes at their present rates for 60 days—in effect, extending the 1975-76 tax cuts until the Senate can complete action on the tax reform bill, which will establish tax levels for the next fiscal year.

I voted for the original tax cuts and for the 60-day extension of such cuts. These cuts paved the way for the solid economic recovery which America is experiencing today.

The Senate is still struggling with the tax reform bill, which the House passed last December. I am apprehensive at the scope and direction of the changes being made in the Senate. Some changes seem to be negating the positive tax reform hammered out earlier by the House. I must, therefore, withhold final judgment on this measure, and I register my hope that the Senate will not convert a reform bill closing tax loopholes into a "reform" bill expanding the loopholes.

In a related move, the House Ways and Means Committee has announced hearings on reform of tax laws relating to single, married, and divorced persons. Much of this tax law is based on a concept of society significantly different from our society of the 1970's, resulting in uneven, unfair, and complex tax laws. The committee will hopefully report a reform measure to the full House early in 1977 when the new Congress has been seated.

#### ECONOMY/JOBS

In the first half of 1976, the Nation's economy continued its slow recovery. In June, however, Labor Department preliminary figures reported that national unemployment increased 7.3 percent to 7.5 percent.

While this is the first increase in unemployment since mid-1975, and does not signal the end of the economic upswing, the end of the tunnel is not yet at hand. We have to maintain vigilance if the stable, solid economic recovery we all want to happen does, in fact, happen.

To achieve this solid recovery, I voted to extend the 1975-76 tax cuts until Congress adopts final withholding levels for the year starting in October.

And, I supported the budget resolution process, for I believe that a sound Federal budget is essential to the overall economic health of the Nation.

Additionally, I voted for the \$3.5 billion public works employment bill, designed to create over 350,000 jobs in construction of needed public works such as municipal offices, courthouses, water and sewer lines, roads and waste treatment plants.

Public works projects, it should be emphasized, do not create massive—and inefficient—Federal bureaucracies or place people in dead end jobs in the public sector. Rather, this kind of bill provides money to localities to contract for the construction of these facilities.

In that way, the measure creates jobs in the private sector where construction industry unemployment is currently hovering at 17.0 percent. These jobs will enable the unemployed to get off welfare and unemployment rolls and on to job rolls. Additionally, wage earners pay

taxes and these taxes help to pay for the costs of these programs.

However, relying on dubious advice, President Ford vetoed this measure—as he had vetoed an earlier bill calling for more money to create more jobs. I voted to override this unfortunate veto. It was overridden by a substantial margin and, therefore, became law over the President's objections. The margin of the override indicates the general unease in the Congress with the current unemployment rates.

It is true that June's 7.5 percent unemployment figure is lower than a year ago. But 7.5-percent unemployment is unacceptably high, and unlikely to decline substantially unless the Government provides a stimulus to the private sector to hire the unemployed.

#### ENVIRONMENT AND ENERGY

In environmental action, the House has sent to the Senate a bill which would provide funds to prevent environmental damage to coastal States from offshore oil and gas development.

Congress has extended the exclusive fisheries zone for American ships to 200 miles offshore, protecting American fish resources from depletion by foreign fishermen. The new limit also provides for a comprehensive fisheries management program to enhance the quality and quantity of our valuable fish resources.

Legislation to regulate strip mining has been reported out of committee, but is awaiting floor rule. I regard a well-written strip mining control law—one protecting the environment and insuring coal production to meet our Nation's energy needs—as a top legislative priority, and will continue to press for passage of such a measure.

Probably the major piece of environmental legislation facing Congress in the near future is the Clean Air Act Amendments of 1976. Presently these amendments are embroiled in controversy, as they involve the extension of automobile emission deadlines, and they involve requirements that the air quality of a given area not be allowed to deteriorate below certain standards.

They basically involve the so-called tradeoff between environmental concerns and economic needs. The House is scheduled to consider these amendments within the next few weeks.

#### DEFENSE AND FOREIGN POLICY

The comparative strength of the United States and Soviet defense networks has been the subject of much public attention recently.

On June 17, after heated debate, the House passed the fiscal year 1977 Defense Department appropriations bill. The final bill provided for fiscal year 1977 appropriations of \$105.4 billion, slightly below the administration request of \$107.9 billion.

I voted for the final passage of the bill, though—as with every appropriations measure—there were sections within the bill I did not entirely support.

For example, I voted for a 1-month delay of construction funds for the B-1 bomber. The delay would allow time for further study of the plane's design and performance and for an analysis of the



costs-to-benefits of tax dollars spent on the B-1 and other kinds of defense programs.

Present estimates place the cost of building the B-1 at \$21.6 billion, or \$88.6 million per plane. When originally proposed, the program's total costs were estimated at \$8.8 billion.

This \$21.6 billion figure does not include future costs resulting from maintenance, upgraded avionics systems, and increased procurement costs. The Air Force has not provided its own, final cost estimate for the B-1, but an independent study commissioned by the Brookings Institution placed that figure at \$91 billion in current dollars, or almost a full year's Defense Department budget.

These figures are cause for deep concern that we might better spend our defense dollars elsewhere. Unfortunately, the B-1 amendment failed, but a later amendment appropriating funds for the construction of a fourth nuclear-powered aircraft carrier passed, with my support. Aircraft carriers have long been a major plus in the U.S. arsenal and this additional carrier will strengthen our defense posture.

In my judgment, the final defense appropriations measure represented a successful compromise between two important priorities—our need to maintain a first-rate national defense capability and our need to provide funds to meet our domestic social and health needs.

In other legislation affecting our foreign relations, Congress passed with my support the International Security Assistance Authorizations, authorizing \$2.2 billion in military and economic aid to Israel. A new bill also authorizes \$1.5 billion in fiscal years 1976 and 1977 for economic aid to developing countries, concentrating these funds on aid to poor countries and prohibiting aid to countries which consistently violate the human rights of their citizens.

#### IN THE GENERAL INTEREST

In September 1976, Louisville will begin its second year of court-ordered busing.

I have not slackened my efforts to end or find alternatives to court-ordered busing. I continue to press for adoption of my constitutional amendment to limit or prohibit busing.

I have filed discharge petition No. 3, which seeks to take the amendment away from the Judiciary Committee—which has held it without hearings since it was first introduced on January 14, 1975—and bring it to the floor for an immediate vote.

Fifty Members have signed my discharge petition. A total of 218 is needed to bypass the committee and get my resolution on busing to the floor for a vote. The additional signatures will be a stiff task, but not an impossible one.

I am also working on another front. I have cosponsored a measure which would provide Federal funds for the purpose of exploring and developing alternatives to forced busing. It is estimated that reliance on busing as a desegregation tool could be reduced to as little as one-third of present practices if alternatives are adequately employed.

Unfortunately, only busing has received massive Federal attention and support as a desegregation tool. My measure, H.R. 14700, would provide Federal funds to encourage the development of alternatives to busing.

One of the most encouraging of these alternatives involves the construction of "magnet schools," schools that attract students citywide because of the high-quality education they deliver.

H.R. 14700 would also provide Federal help in the construction of schools in areas where the school population is already radically mixed, and in inner-city areas where many school facilities are old and decaying.

This measure—introduced in the Senate by Senator JOHN GLENN—is one which could lessen the social and economic impact of forced busing and, at the same time, reduce the extent to which busing can be ordered.

Recent polls have shown that the No. 1 concern of Americans nationally is fear of the rising wave of crime and violence which has invaded all American cities and most of our neighborhoods.

I have sponsored two measures which will help to stem this wave. Both attack the most important factor in this exploding crime rate: The career criminal, the repeating offender.

A Justice Department survey showed that over 65 percent of the criminals studied had been arrested two or more times in the previous 5 years. Many of these criminals are suspects awaiting trial for another offense or are those who are out on the streets on parole or probation—after being convicted of earlier felonies.

My first measure would give judges considerably more leeway in keeping the hardened criminals off the streets while awaiting trial on a new charge.

While the constitutional rights of defendants are protected, judges would be allowed to consider a defendant's previous record in ordering detention prior to trial. Presently, judicial officers are allowed to consider only a defendant's likelihood to appear for trial before issuing pretrial release orders.

My second measure would create strict, mandatory sentencing guidelines for criminals convicted of certain Federal crimes. If a judge decided to sentence outside the guidelines, he would have to submit a written opinion explaining his reasons for doing so, and his decision would be open for appeal by either defendant or prosecution.

With these measures, I hope to rid America of "revolving door" justice, where criminals move through courtrooms almost as a formality, with no real fear of detention or mandatory sentencing.

In legislation affecting the elderly, Public Law 94-135 authorizes more than \$1.6 billion through fiscal year 1978 to extend and strengthen older Americans programs. The money can be used for projects such as in-home services for the infirm, social centers for the elderly, and job-hunting services for the retired who wish to work.

Additionally, Public Law 94-202 expedites the holding of hearings for social

security claimants whose applications for benefits have been denied. This should help the several thousand people my staff and I help annually with problems relating to social security benefits.

The Administrative Rulemaking and Reform Act, which I cosponsored, has been reported out of the House Judiciary Committee and is awaiting action by the Rules Committee.

This bill would allow Congress final veto power over agency rules and regulations, as well as the power to order regulations reconsidered. Increased congressional oversight of Federal agencies and bureaucracies will make these agencies more accountable to the will of the people—an accountability that is sadly lacking in today's government.

In the past months, congressional scandals have shaken the House and the Senate. The House response to these scandals was swift and comprehensive. I am convinced that the ensuing reforms will prevent future abuses of the type given wide publicity in recent weeks, and—of more importance—will help to restore the people's confidence in Government.

Included in the changes approved by the Caucus are proposals requiring House votes on increases in Members' staff allowances, reducing travel allowances for Members, and requiring quarterly publication of staff names, salaries, and duties, as well as Members' expenditures.

As an amendment to the Labor-HEW appropriations bill, Representative HYDE proposed that Congress prohibit the use of Federal funds for abortions. I supported that amendment, because I feel that even if the Supreme Court has declared abortion constitutional, it should not become national policy, encouraged and funded by the Government.

Federal funds should be used, instead, to educate women to the alternatives to abortion and to provide counsel for women with unwanted pregnancies.

The Hyde amendment passed the House but unfortunately failed in the Senate. A conference is being held to iron out differences in the House/Senate versions. I have written the conferees, asking that the Hyde amendment be retained.

#### THE CASE FOR A THIRD FEDERAL DISTRICT JUDGESHIP FOR SOUTH DAKOTA

#### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ABDNOR. Mr. Speaker, the judicial system within the United States is one of the most significant mechanisms for maximizing respect for the law, and maintaining an equitable and just society. Our judicial system is merely an extension of ourselves. It reflects society's conscience and attitude toward our fellow man.

The judicial decisions rendered and quality of procedures implemented for obtaining those judicial decisions not

only have an impact upon present cases but even larger ramifications upon society's values, attitudes, and even actions. The judicial process is, therefore, somewhat of a "showcase" for demonstrating society's fundamental commitment to the well-being of man and exemplifying the high principles of human dignity upon which this country was founded.

However, this judicial process can be a two-edged sword. One can either provide society and the individual with respect for the law and its implication of wrongdoing, or one can breed contempt for the law and its processes by woefully neglecting the mechanisms vital to achieving an effective judicial system.

Therefore, it is imperative that our judicial system continues to be as effective and efficient as possible within the realm of its limitations. The judicial system and its structure has recently come under intense pressure due to increasing caseloads as society witnesses the rapid rise in crime as well as increases in civil litigation.

South Dakota is located within the Eighth Circuit District and currently has two Federal judges with a need for a third. South Dakota is also one of those districts experiencing an increasing caseload, especially in criminal filings, the latter of which have been long recognized as the most complex and time consuming in which to ascertain a judicial decision.

The justification for an additional judge within South Dakota is well warranted, even though South Dakota falls somewhat short of the arbitrary criteria established by the Senate Judiciary Committee and its Subcommittee on Improvements in Judiciary Machinery. However, one only has to look beyond the cold and perhaps sometimes deceiving statistics utilized as the criteria for additional Federal judgeships to perceive the compelling dilemma which is now confronting South Dakota.

For fiscal year 1975, South Dakota has a caseload of 211 criminal filings per judgeship. This ranked South Dakota second within the Eighth Circuit and eighth in the entire Nation. This increase in criminal filings is not only time consuming, but compounding this influx of cases—which has nearly tripled since 81 cases in 1970—is the nature of these criminal cases.

It should be emphasized that 215 of the 422 criminal filings in South Dakota fall into a category of cases in which the Administrative Office of the U.S. Courts considers "heavier than average" in terms of the nature of the offense charged. The "heavier than average" category consists of first, forgery and counterfeiting, second, fraud and embezzlement, and third, homicide, robbery, assault and sex offenses. Since South Dakota has only two Federal judges, each judge must handle on the average of 107.5 "heavier than average" criminal cases out of their 211 criminal filings per judgeship.

The magnitude of these circumstances should be noted when contrasted with the number of "heavier than average" criminal filings confronted by other

Federal judges throughout the Nation. The only Federal district judge facing more than 100 "heavier than average" criminal filings is the judge for the district of eastern California. That total is 101 cases. Other than South Dakota and eastern California, there is not another district even above 70 "heavier than average" criminal filings per judgeship.

The majority of criminal findings—51 percent—in South Dakota constitutes a "heavier than average" category, whereas the national level overall has 33 percent of criminal filings constituting the "heavier than average." The excessive number of criminal filings of this nature pertaining to South Dakota would surely more than offset the areas in which South Dakota otherwise falls short of the criteria established by the Senate Judiciary Committee.

Chief Justice Warren E. Burger's year end report on the condition of the judiciary noted that in fiscal year 1975, 160,602 new cases were filed in the U.S. District Courts, making an average of 402 cases per judgeship, an unrealistic number for one judge. South Dakota hears only 70 less cases per judgeship as specified by the Senate Judiciary Committee's criteria for the justification of an additional judgeship, however the Chief Justice himself with all of his experience and expertise has noted this figure to be unrealistically high. Yet South Dakota has by far—with the exception of eastern California—the most criminal filings on a "heavier than average" basis, and is not that far from attaining the specified 400 cases, a figure which has been deemed unrealistic by Chief Justice Burger.

The number of criminal filings found within this nature per judgeships can have several indirect and adverse effects. One of the most obvious and prominent being that of a backlogging of criminal cases and delays in bringing the triable defendant into the judicial process. South Dakota is currently the last in the Eighth Circuit and 14th worst in the Nation in terms of triable defendants in criminal cases over 1-year old as to the percentage of cases—30.5 percent.

The inability to proceed with a pending trial due to congestion, especially a criminal trial, within a reasonable period of time will result in serious tangible and intangible ramifications which will often result in a distortion of justice, and leave many people involved with the judicial process disenchanted.

The memory and location of witnesses, along with other details associated with a criminal trial procedure has a tendency to become vague, and much more difficult to construct with the passage of time. Thus, one has the circumvention of justice due to the structural framework, and eventually the quality of justice rendered will deteriorate as the caseload of pending trials continues to increase. The judicial process can only bear so many filings before the need for an additional judgeship becomes acute. South Dakota is one district that has now attained the necessity for an additional judgeship due to the backlogging of

cases, and the indications are that the situation will only worsen with time.

While it would be very difficult to quantify or document intimidation or ostracism encountered by witnesses in a pending trial—especially a criminal proceeding—one could probably be safe to say that it does exist to a certain extent, and probably with increasing leverage as the pending trial remains on the docket.

The amount of cases pending per judgeship in South Dakota is 294, and this has also steadily increased. In fact, the number of cases pending before each judge has nearly doubled from 1970 in which there were 150 cases. Of the 294 cases pending before each of the two Federal judges, 132 of those were pending criminal cases per judgeship as of June 30, 1975.

The increasing number of pending cases is no reflection upon the Federal judges' ability to effectively utilize the judicial process. It is merely a dilemma of an increasing caseload overburdening the existing structure which is in desperate need of an additional judgeship. One only has to analyze the increase in criminal terminations to realize the maximum effectiveness in which they have utilized themselves. The number of criminal terminations for fiscal year 1974-75 increased 80 percent. The Federal judges in South Dakota disposed of 233 cases in 1974 and 420 in 1975. The percentage of increase was the third best in the entire Nation, exceeded only by western Missouri and Delaware.

The average disposition per judgeship, as noted by Chief Justice Warren E. Burger in 1975 was 371 cases, up 27 percent from 292 in 1970. South Dakota's average disposition per judgeship in 1975 was 301, up 46 percent from 139 in 1970. Yet, South Dakota confronts the largest number of pending cases ever, and as mentioned earlier presides over the largest number of "heavier than average" filings per judgeship in the Nation. The progress and achievement made by this district is demonstrated by the aforementioned disposition statistics, however the situation has not been alleviated.

The statistics indicate that the prevailing trend in criminal filings will continue to rise. The continual rise in criminal filings along with the implementation of the 1974 Speedy Trial Act will only add tremendous pressures and difficulties to the existing number of Federal judges in South Dakota and their ability to cope with a caseload of this volume and nature.

The Speedy Trial Act of 1974 stipulates under section 3161 (h) (8) (c) that the general congestion of the courts' calendar is not a valid justification for a lengthy delay. Furthermore, the necessity to proceed with criminal filings in advance of civil litigation will be brought about by the implementation of the 1974 Speedy Trial Act. While the Speedy Trial Act of 1974 does not specify this action, one's interpretation of this legislation will nearly mandate the priority of criminal cases before the consideration of civil litigation.

The absence of an additional Federal judgeship to handle the increasing crim-



inal caseload will result in an unnecessary delay in civil litigation. The need to comply with the 1974 Speedy Trial Act will warrant an additional judgeship when one observes that in fiscal year 1974, 75 percent of the triable defendants were in criminal cases which were over 1 year old. Furthermore, in fiscal year 1975 on a national scale, the criminal pending caseload continued to decline by 1 percent, whereas the total number of pending criminal cases increased in South Dakota.

The recognition for additional judgeships should be realized when the Federal judiciary had to send five Federal judges to preside in Pierre and Rapid City alternating for a period of 3 months beginning in October 1975. The personnel received by South Dakota was effective in helping the existing Federal judges confront the overwhelming backlog.

However, it would seem very logical to establish an additional judgeship in South Dakota whereby a permanent judge would be familiar to the environment and circumstances surrounding the cases rather than resorting to temporary measures which are going to be needed more and more as the pending caseload in South Dakota continues to mount.

The two Federal judgeships within the large geographical State of South Dakota are located at the extreme ends of the State, Sioux Falls and Rapid City. However, they occasionally hold court in several other areas of the State. South Dakota currently has several Federal courtrooms equipped with a law library which remains vacant for a large extent of the year. One example of this would be the Federal courtroom in Pierre, the State capital.

The Administrative Office of the United States Supreme Court has advised the Senate Judiciary Committee that the creation of a new district judgeship, exclusive of the cost for providing space, furniture, and furnishings is \$145,000 in the initial year. However, the recurring cost is \$130,000 per year.

The creation of a new Federal judgeship in South Dakota could well be implemented at the expenditure of the latter due to the availability of facilities and materials, thus negating the initial startup costs.

Much publicity was also attained through the media during the Wounded Knee incident of 1973 and other outbreaks of violence throughout areas of South Dakota. However, while the national attention and focus has shifted from South Dakota, the problems concerning the area still persist, and this is borne out by the various underlying statistics which I have cited.

The difficulties confronting the two Federal judgeships in South Dakota have not lessened. It appears it will only be a short period of time before South Dakota will attain the criteria established by the Senate Judiciary Committee.

Meanwhile, the criminal filings, and pending criminal cases continue to multiply, adding extreme pressures to the existing judicial structure. It would

seem advantageous to create an additional Federal judgeship as soon as possible to alleviate the pending backlog and the anticipation of future criminal cases in view of the recent statistics.

South Dakota is already last in the Eighth District Circuit from filing to disposition of criminal cases and 77th in the 91 districts. The situation can and will only become worse without the inclusion of an additional Federal judgeship.

#### NUCLEAR FUEL ASSURANCE

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. PAUL. Mr. Speaker, I would like to explain my opposition to H.R. 8401, the Nuclear Fuel Assurance Act of 1976 and my support of the Bingham amendment on July 30.

First off I would like to emphasize that I am not one of those who flatly oppose expansion of nuclear energy. I believe that the safety record of nuclear fuel plants in this country is exemplary and that increased use of nuclear energy will be absolutely necessary for this country to bridge the gap between exhaustion of fossil fuels and the development of such things as solar energy.

Furthermore, I believe most strongly that private industry ought to become involved in the production of nuclear fuel. I think that the Government's record of cost efficiency and productivity in this is extremely poor; as is the case with almost all areas of Government endeavor, such as the Post Office. I frankly think that eventually all nuclear fuel production ought to be the private sector, including those Government plants already manufacturing nuclear fuel.

My primary objection to this bill and my reason for supporting the Bingham amendment is that I do not like the Government loan guarantee provisions of H.R. 8401.

For too long now, big business has paid lip service to the free market while carefully cultivating Government programs beneficial to them. This bill is just another example of such welfare programs for big business.

H.R. 8401 would, for example, provide \$8 billion in loan guarantees for the building of four uranium enrichment plants. I just do not see the necessity for such guarantees. If the demand for nuclear fuel were any where near as great as its proponents claim, then private industry ought to be happy to build such plants entirely on its own. The fact that it says it cannot makes me very suspicious about the viability of this whole project and very fearful that the U.S. taxpayer will once again be stuck footing the bill. This is precisely the reason why we need the free market: to weed out those enterprises which do not most efficiently satisfy our demands.

Of course, I can very well understand why big business wants such guarantees.

After all, why take any risk at all if the Government can be conned into taking it for you. As my distinguished colleague from Kansas, Mr. SKUBITZ, noted:

On page 10 of the committee report it is pointed out that the sale of enriched uranium and enrichment services to foreign countries has reached \$1.1 billion. In addition, it is pointed out that the demand for enriched uranium is extremely high within the United States. If there is such a good market for enriched uranium, there is no reason not to believe that private enterprise on its own will enter the field. The reasons they have not entered the field to date are clear. Under the law it was ERDA who was licensed to produce enriched uranium. Since the government itself had a corner on the market—no private company was interested in entering the market. Now, there are a number of private companies interested in entering the market, including Uranium Enrichment Associates, who have proposed a plant in Louisiana. If the move by private enterprise to fill this need has not been rapid, I suggest it has been delayed simply because someone in Congress held out the prospect of goldplating the venture through the use of loan guarantees.

A further objection to the loan guarantee approach is that it has a serious disruptive effect on our capital markets and gives the illusion of no cost to the taxpayer. Ever since the Congressional Budget Act was passed in 1974 it has been very popular around here to get things off the budget. Loan guarantees have proved to be the most popular method and we have seen it used over and over again.

This matter came up again most recently with H.R. 12112, the synthetic fuels bill. At this time Prof. Murray Weidenbaum of Washington University had this to say about the ultimate effects of loan guarantees on the economy:

Boiled down to its basics, federal guarantees of bonds issued by business and other institutions really involve putting "the monkey" on someone else's back. They do not increase the amount of investment funds available to the economy. Rather, to the extent they succeed, they mainly take capital funds away from other sectors of the economy and lead to similar requests for aid by those sectors. These government guarantees also tend to raise the level of interest rates in the economy, both for private as well as Government borrowers. They thus increase an important element of business costs.

Lastly, as in the case of synfuels, I fear that Government sponsorship of one particular technology tends to institutionalize it and depress the search for better methods. I feel very strongly that innovation of all kinds must be a top priority in the energy field. This will come most quickly when the Government gets completely out of the picture, eliminates all price controls and regulations, and allows the price of energy to accurately reflect its cost. When this happens there will be the maximum possible incentive for people to conserve what energy they have and make every possible effort to find alternative sources.

Consequently, I believe that H.R. 8401 ought to be defeated. I support the Bingham amendment only as an interim step toward a complete elimination of Government in the nuclear fuel business.

FEDERAL PENSIONS' INFLATION  
KICKER UNDER HEAVY FIRE

## HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. DEL CLAWSON. Mr. Speaker, Los Angeles Times staff writer Paul E. Steiger has correctly and objectively analyzed the inflationary impact of the Federal pensions' 1 percent "kicker" in his column that appeared in the Sunday, August 1, 1976 issue of the Times. In addition to the many arguments, pro and con, relative to this subject, I commend Mr. Steiger's valuation of some of these arguments to the Members of the House and Senate for their consideration:

FEDERAL PENSIONS' INFLATION 'KICKER'  
UNDER HEAVY FIRE  
(By Paul E. Steiger)

WASHINGTON.—While most retired people have watched in dread in recent years as the flames of inflation have licked away at the purchasing power of their pensions, one select group of retirees has been able to watch the conflagration with equanimity, even pleasure.

That group consists of 2 million retired federal workers. Not only have they been protected from inflation—many of them actually have profited from it.

The reason is a little understood provision of federal law: the so-called "1% kicker."

Under it, every time the cost of living rises 3% or more, each federal pensioner's monthly check is increased by that amount, plus an additional percentage point. Thus, if consumer prices rise 3.5%, the checks are increased 4.5%.

To the Ford Administration, Congress' General Accounting Office and many outside analysts, the kicker provision is an egregious loophole conferring unique privileges on a single group of pensioners.

"It's manifestly unfair," argues Rep. Brock Adams (D-Wash.), chairman of the House Budget Committee. "It's unfair to the millions of nonfederal retirees who don't receive such a benefit. And it's unfair to the taxpayers who have to pay for it."

To retired federal civilian and military personnel and their families, however, the 1% kicker is a cherished benefit, one that they are prepared to use their considerable muscle at the polls to defend. And with a fierce effort they have brought themselves close to winning its retention for at least another year.

In his January budget message to Congress, President Ford recommended wiping out the provision. In its May resolution setting preliminary spending and revenue targets for the coming fiscal year, Congress assumed that legislation repealing the provision would be enacted.

But a massive letter-writing and lobbying blitz by organizations representing present and future pensioners has blunted the enthusiasm among some members of Congress for killing the benefit.

Four times in the last six weeks, the House Post Office and Civil Service Committee has failed to muster the quorum needed to vote on measures to eliminate the kicker.

Despite the committee's failure to act, proponents of such a bill have pressured House leaders to schedule a vote on the issue Monday but only under a special parliamentary procedure requiring a two-thirds vote for passage. If that move fails, the matter is probably dead for this year.

"Many members want to go on record as

favoring repeal" of the kicker, Rep. David N. Henderson (D-N.C.), chairman of the Civil Service Committee, said in an interview.

The kicker provision was enacted in 1969. It drew little attention then because inflation was relatively modest and costs were not great.

As inflation has mounted, however, that has changed. In the seven years since the kicker went into effect, it has added \$5 billion to the costs of federal retirement programs.

Most private pensions are not adjusted for inflation at all. Social Security and a few nonfederal pension programs (primarily in state and local governments) call for regular adjustments to catch up with increases in the cost of living. None, aside from the federal plan, calls for regular boosts in excess of the inflation rate, according to a recent survey of 1,800 pension programs.

By contrast, since November, 1969, monthly checks to federal retirees have been boosted 71.7%, compared with a rise of less than 52% in the U.S. Labor Department's consumer price index.

Defenders of the kicker mount several arguments.

In the first place, they say, the kicker was installed because there is a five-month delay between the time the cost of living rises 3% or more and the time the pension boost actually shows up in retirees' checks. In the meantime, they argue, the cost of living continues to rise—often by as much as, or more than, 1%.

Second, defenders say, the delay in inaugurating cost-of-living increases means that, calculated month by month, the pensions of some federal retirees sometimes fall behind the amount that would be necessary to maintain the purchasing power they had when they retired.

For example, officials of the 250,000-member National Assn. of Retired Federal Employees here have calculated that a federal worker who retired in February, 1973, with a \$400 monthly pension would have had that monthly check increased 27.8% two years later, somewhat above the 23.1% increase in the cost of living over that period.

But because of delays in implementing the pension increases, the association notes, the retiree's total pension income over the two years would have amounted to \$10,999—1.2% less than the amount necessary to keep him strictly even with inflation over the entire period.

Critics of the kicker acknowledge that these arguments have some validity, but only with respect to pensioners who have been on the rolls a relatively short time. The longer a person has been retired, the further ahead he is likely to be, particularly in periods of rapid inflation. With mathematical magic, the 1% extra increases rapidly begin mounting up, compounding on one another like interest owed a loan shark.

Thus, if the National Assn. of Retired Employees had carried through its example for another year, it would have found its hypothetical pensioner already ahead of the game and gaining fast.

Furthermore, said R. E. Shelton, a GAO official who worked on the agency's study of the 1% kicker, all this analysis leaves out another, lesser-known provision. Under this provision employees who retire from federal service the day before a cost-of-living pension increase is to take effect—an increasingly popular practice—receive the full increase plus the previous cost-of-living boost. At the same time, these employees have the alternative of taking the benefit of pension increases triggered by cost-of-living salary increases while they remained on the jobs.

Consequently, the employees may start off retirement with pensions as much as 10% higher than called for by their years of service and peak salary.

PHYLLIS SCHLAFLY ON THE  
MONDALE BILL

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ASHBROOK. Mr. Speaker, my good friend and able columnist Phyllis Schlafly is one of America's most articulate women. She represents, in my judgment, the clear thinking family oriented women of our country who are conservative and traditionalist. Her columns appear in the Mt. Vernon News and the Ashland Times-Gazette in my home district.

Her recent column on the child and family services bill should be read by all Americans who are concerned about the onslaught against the American home by the bureaucratic and the liberal forces in our Nation. I have fought that proposal since it first reared its ugly head some 6 years ago. The 1976 bill is a watered down version of the excessive 1971 measure but they are from the same drawing boards.

Mrs. Schlafly's column should be a clear warning of the danger's of this monstrosity. I include it with these remarks:

SENATOR MONDALE MADE PRINT WITH  
BABYSITTING BILL  
(By Phyllis Schlafly)

When Jimmy Carter selected Walter Mondale as his running mate, he created a major national confrontation between those who believe in family and local control over children, as opposed to those who favor federal spending and control.

While the polls claimed that Mondale had name recognition with only one per cent of the public, and a comedian cracked that most Americans thought Mondale was a "suburb of Los Angeles," the fact is that he is widely known at the grass roots as the Senate sponsor of the bill that has generated more opposition mail than any in many years.

Mondale himself said, in referring to the mail that reached Capitol Hill, "It started down in Oklahoma and Texas, then it came north like the hoof-and-mouth disease."

The target of all this protest was the Brademas-Mondale Child and Family Services Bill. It is a proposal to spend nearly \$2 billion of the taxpayers' money to set up a new bureau in charge of babysitting and child development facilities to be operated by the Department of Health, Education and Welfare (HEW).

With all the other mischief HEW has been getting into, such as forced busing of students and worrying about whether schools are committing sex discrimination by allowing a mother-daughter fashion show or a father-son baseball game, it is hard to see why anyone would want to give HEW new jurisdiction over the lives of preschool children, too.

The Brademas-Mondale bill states that it will "insure decision making at the community level, with direct participation of the parents . . . and other individuals and organizations . . . through a partnership of parents, state and local . . . and federal government."

In other words, the Brademas-Mondale bill would replace the right of decision making that presently rests in the parents alone by a new "partnership" with HEW and assorted other bureaucrats and organizations that claim they are "interested" in your child.



The scope of the Brademas-Mondale bill is vast. By no means is it limited merely to custodial care. It covers the physical, educational, nutritional, social, recreational, medical, psychological and emotional development of the child, as well as "other such services and activities as the HEW secretary deems appropriate."

Nor is the Brademas-Mondale bill a measure primarily designed to help the poor and needy. It clearly states that the program "shall include children from a range of socioeconomic backgrounds." The taxpayers will thus be forced to pay the costs of caring for the preschool children of middle class and even wealthy mothers who choose to evade the so-called burden of caring for their babies.

We are told that the Brademas-Mondale bill will strengthen the family, whereas actually it will do the opposite because it will relieve parents of their responsibility for child-rearing. Anyone who wants to strengthen the family should encourage mothers to stay home and care for their own preschool children. Expert psychologists say that a mother's loving care is the single most valuable thing that can be given to a preschool child.

The Brademas-Mondale bill states that participation will be voluntary. There are, however, no safeguards against a later insertion of mandatory participation similar to the present school truancy laws that now apply to school children over the age of 6. There are already many pressure groups in our country, demanding "universal" government child-care facilities.

Walter Mondale may not be well-known to the public at large, but among those who do know him, he carries the great liability of personal sponsorship of the Brademas-Mondale Federal Baby-Sitting Bill that would inevitably cause higher taxes, more federal control in the hands of HEW, and more mothers and babies leaving their homes.

#### WPIX: EXCELLENCE IN BROADCASTING

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. KOCH. Mr. Speaker, WPIX television in New York received two awards earlier this month from the New York State Broadcasters Association for excellence in broadcasting. I would like to add my congratulations and also my thanks for WPIX's leadership in public affairs programing.

Richard N. Hughes, the senior vice president of WPIX, Inc., writes and delivers channel 11's editorials; the award for editorials brings well-deserved recognition to Mr. Hughes for fine work and true public service. The editorials have always taken responsible stands on controversial and difficult issues, and are well respected. Richard N. Hughes was also the producer, writer, and narrator of the award-winning documentary, "The Concorde: Bird of Prey or Bird of Paradise?", an excellent program which dealt with a problem of great concern to most New Yorkers.

WPIX has been in the forefront of innovative broadcasting: this is the sixth time in 7 years that the editorial award was won by WPIX-TV. I applaud their efforts, and their success, and I wish the station and its staff continued good luck.

#### BECHTEL CO. ANSWERS NUCLEAR FUEL ACT CRITICISM

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. RONCALIO. Mr. Speaker, last week I inserted into the RECORD a Washington Post column written by Tom Braden in which Mr. Braden was highly critical of H.R. 8401, the Nuclear Fuel Assurance Act, and of the Bechtel Corp., one of the companies interested in the proposed private enrichment of uranium.

The Bechtel Corp. response, published in this morning's Washington Post, does not discuss the merits of the legislation but does reply to Mr. Braden's criticism of the company.

For the sake of balance, I insert the Bechtel reply at this point, although it by no means detracts from my reasoning in urging a reconsideration of the proposed legislation. It should be recommended to the Joint Committee for Atomic Energy.

#### The article follows:

##### THE NUCLEAR EXPORT FIGHT

Tom Braden's column headed "The Nuclear Export Fight," which appeared in the Washington Post on July 24, presents a grossly distorted and inaccurate picture of the Bechtel organization, a 78-year-old construction and engineering firm which has long enjoyed a reputation for the highest standards of professionalism and integrity.

Braden's attempt to paint Bechtel as somehow being a sinister organization which carries out its business against the public interest compels us to respond in some detail to his more flagrant charges.

Bechtel is characterized as heading up a "consortium of foreign investors" which is "waiting in the wings to reap guaranteed profits" from enrichment of uranium as provided for in the Nuclear Fuel Assurance Act currently pending before Congress. This is fancy, not fact.

Uranium Enrichment Associates, a limited partnership which responded to the federal government's specific request for proposals from the private sector for the building of enrichment facilities, is comprised of three highly respected U.S. firms, including Good-year Tire & Rubber Company, The Williams Companies, and Bechtel. Bechtel is just one part of this enterprise. There would be no "guaranteed profits" under the private enrichment proposal advanced by UEA. In fact, UEA would take a substantial financial risk of its own should it ultimately be selected to fill this important energy source need following approval of the Nuclear Fuel Assurance Act. UEA would make a capital investment of \$3.5 billion in the enrichment plant it proposes to build and operate, all of this coming from the private sector. In addition, U.S. taxpayers would realize tremendous savings through private enrichment facilities such as those proposed by UEA.

To respond to some of Braden's more glaring inaccuracies:

Bechtel does not sell nuclear reactors, as Braden implies. Firms such as General Electric and Westinghouse are in that business, not Bechtel.

Bechtel did not enter into negotiations with Brazil to supply that country with nuclear hardware, as he states. This statement is totally false.

It was the Canadian Candu reactor in India which supplied the plutonium source for India's atomic explosion, not a reactor built by Bechtel as Braden charges.

Bechtel is not "undergoing congressional investigation" in connection with its role on the Alaska pipeline, as stated by Braden. Bechtel was invited to testify at one House subcommittee hearing on this subject in the course of which the company successfully substantiated that it was Bechtel's own quality control system which first called attention to certain pipeline weld problems.

Braden also raises the question of a Justice Department suit against Bechtel alleging certain violations in connection with the Arab boycott. Bechtel has answered these charges in great detail, reaffirming the organization's long standing policy against any form of discrimination.

Some of Braden's more scattershot references, such as the "oft-investigated Bechtel" are so undocumented as to be beyond comment. But his most outrageous statement is contained in the question Braden posed, "Are these the people we want directing our nuclear export program?" There are no conceivable circumstances in which Bechtel would ever be given such a lofty responsibility.

GEORGE R. COFFEY,

Acting Manager, Public Relations,  
Bechtel Corp.

#### INTRODUCTION OF INTERGOVERNMENTAL COORDINATION ACT OF 1976

### HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ASHLEY. Mr. Speaker, today I am introducing the Intergovernmental Coordination Act of 1976. The thrust of this bill is to reverse the direction of Federal planning programs by removing some discretion from Federal agencies and placing it in the hands of State and local officials. Those officials would determine the policies by which their areas will be developed. The Federal role will be confined to one of insuring that local prerogatives are protected, determining that Federal funds are well and wisely spent, that legitimate Federal objectives are met, and that plans developed with Federal funds are consistent with one another and with the adopted areawide development policy.

How often have we launched major programs from this Congress, only to see them founder; not because they were faulty in concept, but through lack of coordination and development of comprehensive policies for their use at the local and regional levels where they impact. I know that each Member has felt frustration at programs which clearly are not doing the job.

Part of our difficulty is that from the jurisdictional perspective of a congressional committee one is prone to see a national problem such as clean air and water, housing, health or crime, without seeing that every individual smokestack, river or house or heart attack or robbery is part of a unique network of local circumstance, incredibly complex and beyond committee jurisdiction.

Knowing this all too well, we nevertheless cannot seem to resist creating new special-purpose administrative mechanisms extending over, around, and through existing general government, to

insure that the purposes of a particular bill are achieved. There is no mechanism currently available to local officials by which to unify or direct this multitude of planning programs toward the development of a consistent, coherent set of public policies regarding the solution of social problems. The potential for conflict among public policy objectives fostered by these Federal programs is greater than the prospect for coordination and cooperation. Only in the past few years, in such efforts as revenue sharing and in community block grants, have we begun to admit the inability of the Congress to draft functional programs to fit comfortably and equitably both North and South, rich and poor, urban and rural, accommodating all the variety of which our Nation is capable.

The Intergovernmental Coordination Act of 1976 is founded on the premise that national efforts in many areas must be drawn together at the grassroots to be effective. Today's communities have grown far beyond city and county lines, but only by letting citizens of a community take control through their local leaders can we avoid conflicts and waste which no administration from above can cure.

This bill would require Federal programs to relate to one another within metropolitan and rural areas and, most importantly, to conform to areawide plans as adopted by officials of local elected governments. It is clear that the Federal Government will remain the principal resource for dealing with major social problems, but experience has shown us that local priorities are not uniform nationwide. Under this bill, the availability of Federal assistance would be dependent on conformance of the activity to locally adopted plans for that area.

Additionally, this bill would encourage local governments which have a common stake in an area, be it urban or rural, to come together and choose their own answers, but within the frameworks of applicable national and State development policies. Every rush hour teaches us that transportation, economic development, housing, and clean air are interrelated problems which can be met effectively only in a common effort of those throughout an area, irrespective of political demarcations inherited from another time. The institutions which we have created for self-governance at the local level are largely inadequate to govern the entirety of the larger urban community or rural region. The powers of local governments can be used in partnership, however, to provide for better, more efficient, and less expensive patterns of development while still retaining units of government which are close enough to be responsive to their needs. Under the bill, existing neighbor governments, without giving up any of their present powers, are encouraged to develop in concert the more powerful planning and coordinative tools they need to confront their mutual problems.

The legislation I am introducing today is a complement to S. 3075, introduced by Senator MAGNUSON, reflecting the advice and comments of many persons who have shown interest in the earlier legis-

lation. I understand that a forthcoming study of the General Accounting Office will suggest the approach to intergovernmental coordination which is contained in this bill. The measure has already received favorable comment from the Advisory Commission on Intergovernmental Relations. In addition, numerous areawide associations of governments and other bodies who attempt to deal with problems across political boundaries have expressed their support, as have the National Association of Regional Councils and the U.S. Conference of Mayors.

State and local governments today are required to undertake a myriad of activities to apply for and carry out Federal programs, and we have seen the proliferation of special purpose planning agencies with the Federal Government acting to encourage fragmentation at the local level. According to a recent GAO study survey of areawide planning agencies in three areas of the country, the fragmented areawide planning system which has been created by Federal initiative can be wasteful, ineffective, and ineffectual. It is time to change the system. As long as we fail to encourage cooperation among local governments who share an area, and between transportation, community development, environmental, and other officials whose decisions interact, we can further uncoordinated, inefficient, and often self-defeating activities carried out under the banner of programs which we in Congress have labored to make effective. The Intergovernmental Coordination Act, by bringing things together at the grassroots through local elected officials, can be an instrument for better knowledge of both our problems and the choices we have for meeting them.

The problems brought to us by sprawl, leapfrog development, and inadequately planned and serviced growth have been cataloged so often as to scarcely need repetition. We have consumed vast acreages of prime agricultural land. We have polluted our water, requiring vast sums of money to build sewers and treatment plants. We have built vast networks of highways which promote the consumption of ever-increasing amounts of scarce fossil fuels and degrade the air we breathe. Worst of all, we have encouraged the abandonment of our huge capital investment in our Nation's central cities, spending like profligates to build replacements for facilities which are adequate and serviceable, and leaving the less fortunate who cannot follow the flight from decay, isolation, and poverty. The Intergovernmental Coordination Act of 1976 was written with that hope. It provides a process and institutional arrangement which will have to address these issues. Conscious decisions on them will have to be made; we can no longer as a nation perpetuate the current decision processes which because of accidents of geography submerge the implication of the adverse consequences of many of our private and public investment decisions. Moreover, it would reduce waste at the Federal level by making the programs and planning more interdependent and mutually supportive. It will make local government more ef-

fective and more responsive by providing local elected officials the means and the obligation to confront their own problems and set their own priorities on an areawide basis which permits truly effective action.

Finally, for the Congress, it would help assure that programs created to answer national needs are brought to each unique locality swiftly, through established flexible machinery; effectively, through positive cooperation of local governments; and with the savings that accrue from ending the conflicts, duplication, overlap, and waste that are all too apparent in our existing programs.

#### CUBA: SURROGATE FOR SOVIET EXPANSION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. KEMP. Mr. Speaker, our former colleague and outstanding Secretary of Defense, Melvin R. Laird, has written an outstanding article on the subject of Russians use of Cuba as a surrogate for expansionist purposes. It was published in Reader's Digest of this month. Mr. Laird concludes the Kremlin strategists have converted Cuba into an increasingly potent launching pad for anti-Western subversion throughout the world, and it reinforces that conclusion with a number of convincing examples.

He outlines a strategy for our response that I consider to be imperative. A strategy that includes four basic points; that is, first, we must stop the destructive assaults on our intelligence agencies, which alone can provide the detailed evidence of Russian and Cuban terrorist assaults against the United States, its allies, and neutral states; second, we must reinstitute the economic and political embargo against Cuba; third, we must arrive at a national resolve to counter the Kremlin's political warfare and Cuban aggressions, and fourth, we must convince the Kremlin that we recognize clearly that they are ultimately responsible for Cuban depredations. We are indebted to Mel Laird for his continuing leadership in the interest of the free world.

The article follows:

#### THE MOSCOW-HAVANA CONNECTION

(By Melvin R. Laird)

A year ago, cooing sounds of rapprochement with Cuba were heard. U.S. Senators and journalists had flocked to Havana and returned with glowing reports of a new moderation. With American concurrence, the Organization of American States' 11-year-old trade and diplomatic embargo, imposed in retaliation for Castro subversion, was quietly ended. It seemed likely that Washington and Havana would soon resume the diplomatic relations broken in 1961.

Then, beginning last August, 14,000 Cuban combat troops, utilizing the latest weaponry, invaded Angola to crush the non-communist opposition and install a Marxist regime. The military power of the Soviet Union—combined with a growing neo-isolationist attitude in Congress—had emboldened Kremlin leaders to throw down a challenge beyond daring a few years ago.



Nothing reveals this new aggressiveness like the Moscow-Havana connection. In brazen defiance of the Monroe Doctrine, the Soviets have converted Cuba into a military base and springboard for anti-Western subversion and strategic thrusts all over the globe. Some examples:

Last spring, Soviet transports ferried 650 Cuban troops, pilots and technicians into the giant Soviet military complex at Berbera, Somalia, where they work with 2500 Russian troops. Cubans fly jet fighters, man missiles and coach guerrilla movements in Yemen and Somalia, preparing "wars of liberation" against Ethiopia, Djibouti and Oman at the Red Sea and Persian Gulf entrances—oil lifelines for West Europe and Japan.

Thirty members of the Cuban secret police—*Dirección General de Inteligencia* (DGI)—who were trained in the Soviet Union, staff a Havana institute that prepares English-speaking Cubans for infiltration into the United States as illegal espionage and terrorist agents.

The Cuban government maintains a Havana headquarters for a minuscule Marxist-Leninist party that encourages Puerto Rican violence. The Soviet and Cuban delegations have pushed a United Nations resolution endorsing independence for this island commonwealth, where only .6 percent favored independence in a 1967 referendum. This U.N. charade has a single purpose: to incite and support the Cuban-trained terrorists whose bombs have rocked Washington, New York and Chicago.

In Havana, Manuel Piñero "Redbeard" Losada, chief of the Soviet-backed "Department of America," oversees some 400 agents in stirring up trouble throughout the hemisphere. Twice in the last three years Cuban-trained exiles have landed secretly in the Dominican Republic in abortive efforts to organize guerrilla violence.

To understand the dynamics of the Moscow-Havana relationship, examine its evolution over the past decade. In 1967, Castro sustained a desolate defeat of his grand strategy of violent revolution when Ernesto "Che" Guevara failed in Bolivia to show that Cuba could create "many Vietnams" in South America.

Castro's incendiaryism was so counterproductive, and his own economic mess such a mounting \$500 million-a-year burden to the Soviets, that they decided to tether him. Oil deliveries to Cuba mysteriously began to fall behind. Sugar mills, factories, highway traffic sputtered. "We have trouble on the docks in Baku," Moscow explained. By mid-1968, Castro capitulated. He placed the DGI under a Soviet KGB general, who sits in an office next to the DGI chief in Havana. The general and his KGB subordinates approve the operational plans of all DGI divisions. Other KGB officers, sons of Spanish communists who fled to the Soviet Union after the Spanish Civil War, have become "Cubans" in the DGI.

The Soviets also imposed a "de-Fidelization" of the Cuban government and economy. Today, 7000 Russians sit in Cuban ministries and enterprises. The Cuban communist party has been remade in the Soviet image with a constitution modeled on the Soviet Union's 1936 Stalinist charter.

Castro's abject surrender was revealed at last year's Havana conference of 24 Latin American communist parties. Hence forth, the Castroites announced, all Cuban help would be given only through the Moscow-approved parties. Revolutionaries must discipline themselves, form a united front, abandon free-lance activity and resort to violence only under tutelage of the local Kremlin subsidiary.

Soviet control of the Cuban operations is virtually complete. In Cuba itself, Czech and Soviet instructors assist Castro's terrorists. Cuban experts joined the Palestinian training camps in Syria, tutoring terrorists from

Japan, Germany and Iran as well as Arabs. The graduates depart to wreak global havoc.

#### MIDDLE EAST

For months, Cuban-supported terrorists in Iran have waged a war of assassination and kidnapping. One killed in a shoot-out last May was found to have been trained in Cuba itself. Victims include Iranians and three U.S. Army officers in Tehran. In February, during his visit to Moscow, Castro promised support to exiled leaders of the Iranian communist party. They are now coordinating Cuban-trained insurgents fighting Iranian forces in Oman.

#### LATIN AMERICA

In 1970, two Castro-schooled terrorists proclaimed a "People's Revolutionary Army" in Argentina to bring down the government. More recently, other Argentines have taken terrorist instruction inside Russia itself. They have waged a murder-and-kidnap campaign against police, the military, and Argentine- and foreign-owned businesses. Corporate giants have been forced to pay upward of \$83 million to ransom executives or buy off murder campaigns.

#### WESTERN EUROPE

Three Cuban diplomats were expelled by France for collusion with a Venezuelan-born Moscow-trained terrorist who murdered two French policemen and an Arab informer. The Venezuelan fugitive, code named "Carlos"—real name is Ilich (for Lenin) Ramirez Sanchez—is a go-between for German, Japanese and Arab terrorists who have seized embassies, kidnapped political figures and murdered people in Germany, Sweden, Holland, France and Austria. "Carlos" fled to Libya after staging the sensational kidnap of the 11 oil ministers in Vienna last December.

#### UNITED STATES

Since 1969, more than 2400 young American radicals have visited Cuba as members of the so-called Venceremos Brigades. They spend weeks cutting cane, building schools, undergoing indoctrination and being evaluated by the KGB and DGI as future illegal intelligence agents or supporters for terrorists whose bombs have hit the Capitol, Pentagon, State Department and other targets from coast to coast.

#### ANGOLA

In January 1975, the Portuguese government and the three Angolan liberation groups agreed on a peaceful transition to independence. By March, the Moscow-spawned Popular Movement for the Liberation of Angola (MPLA) was receiving huge supplies of Soviet Arms.\* By April, Cuban advisers were in Luanda instructing MPLA troops. By May, a high-ranking Red Army delegation had arrived in Havana to arrange the massive dispatch of Cuban combat troops to Angola.

Those troops began, arriving in August. Their mission: to operate the sophisticated Soviet weaponry for MPLA attack columns and to control newly conquered areas while the thinly stretched MPLA forces finished their sweep. By early December, 5000 Cubans were engaged in combat; behind the lines the Soviets had an estimated 400 advisers.

Meanwhile, U.S. Secretary of State Henry Kissinger publicly warned the Soviets that they were risking détente by their blatant intervention. For two weeks, the Kremlin and Havana appeared to hesitate, but DGI's intelligence analysts advised Castro and Moscow that the United States, traumatized by the Southeast Asia collapse and Watergate, would be unable to respond.

It proved prophetic advice. On December 19, the U.S. Senate, by a 54-22 vote, amended a foreign-aid bill to forbid any spending for CIA aid to Angola.

\*Sec. "Angola's Made-in-Moscow War," The Reader's Digest, June '76.

Six days later, on December 25, the Soviet airlift resumed. Within a month, the Cuban troop strength zoomed to 12,000. In January, the anti-Marxist forces still controlled about 70 percent of Angola's territory and population. But within weeks, Angola had fallen to the communists. In February, when Castro addressed the 25th Soviet Communist Party Congress in Moscow, he and the assembled comrades were triumphant.

#### WHAT NEXT?

This kind of Marxist intoxication in the Kremlin poses the greatest danger to world peace. The very day the U.S. Senate passed its no-aid-to-Angola amendment, top Soviet strategist Mikhail Suslov uttered this portentous threat at the Communist Party Congress in Havana: "The revolutionary-liberation movement, now as never before, is linked into a unified global whole. The Cuban revolution has placed an indelible imprint on the development of the whole liberation process in Latin America. Prospects for the second liberation of the continent are becoming increasingly real."

Coming from a man who promoted the "liberation" of Budapest, Prague and Saigon, these are dangerous words which require immediate and long-term U.S. responses:

1. We must stop the destructive assaults on our intelligence agencies, which alone can provide the detailed evidence of Russian and Cuban terrorist assaults against the United States, its allies and neutral states. These attacks have vastly hampered the collection and analysis of intelligence on Soviet-Cuban intervention in Angola and KGB-DGI-orchestrated terrorist campaigns against the United States and other nations.

2. We must reinstitute the economic and political embargo against Cuba. Such sanctions will not topple the totalitarian regime, but they will diminish Castro's capacity for mischief, terror, subversion and armed aggression. And the sanctions must be supported by all our allies, including NATO nations and Japan. They are all now targets of the terroristic regime they are helping to strengthen via trade. Trade should promote peace—not aggression.

For the same reasons, we should not hesitate to use economic sanctions against the Kremlin's aggressions. Even as the Angolan invasion mounted, U.S. representatives in Moscow continued to negotiate a pact, announced October 20, under which the Soviets are buying millions of tons of American grain to support their faltering collectivized agriculture. The fact also envisioned our supplying the Russians with much-needed American oil-well technology that will boost their production within 18 months by 700,000 barrels daily.

3. We must arrive at a national resolve to counter the Kremlin's political warfare and Cuban aggressions. The Cuban invasion of Angola occurred only because of the communist conviction that the United States was in such internal disarray that it lacked the will to resist.

We desperately need a Congress and a White House that are united in this resolve. Says Brookings Institution defense analyst Barry Blechman: "Only by demonstrating a willingness to make major issues of single events which, in isolation, sometimes appear relatively insignificant can the United States bring the Soviet Union to understand that the process of normalizing our mutual relations requires concessions on both sides."

4. We must convince the Kremlin that we recognize clearly that they are ultimately responsible for Cuban depredations.

Our entire relationship with the Soviet Union, including trade and the strategic-arms-limitation negotiations, is at stake and must be carefully and realistically reappraised. We must stop passively swallowing Moscow's baited proxy challenges at the time, place and manner of their choosing—and

make our responses where, when and as we choose.

# IN RECOGNITION OF JAMAICA'S 14TH YEAR OF INDEPENDENCE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. RANGEL. Mr. Speaker, I am pleased to bring to the attention of my colleagues the celebration today of the 14th anniversary of the independence of our Caribbean neighbor, the island of Jamaica. Long a friend of the United States, known to Americans as one of the most beautiful places on Earth, this tiny nation has in recent months suffered from negative publicity in the media resulting from the Government's efforts to achieve rapid social and economic change.

Jamaica's problems are not new. Beset by economic and social difficulties throughout the period of her independence, Jamaica is a poor nation with only limited natural resources. Unemployment has been a constant problem, and presently it is estimated that the unemployment rate in the society is over 30 percent.

The Prime Minister of Jamaica, Michael Manley, who has committed his Government to a broad program of modernization, rectifying the sadly uneven distribution of wealth and putting people back to work. Since his election in 1972, Mr. Manley has taken great strides toward achieving these goals. His management of the budget has reduced remarkably the income disparities which had plagued the island, primarily through public works projects employing thousands. For those that remain unemployed, education programs aim at preparing young people for trades which will be of use later in life. These latter programs have also been responsible for 150,000 adult Jamaicans becoming literate. Finally, Mr. Manley's land reforms have aided small farmers and resulted in greater crop yields.

The Jamaican story is made more extraordinary by the firm adherence by the Prime Minister to democratic norms and values. Unlike leaders of many developing nations, he has relied on popular participation and local involvement to shape his policies. Mr. Manley is a leader in the best tradition of liberal democracy who understands the needs and concerns of his people.

On the anniversary of independence, Jamaica looks forward to a future of prosperity much as we have recently done during our Bicentennial celebration. The Jamaican leadership deserves our praise for the steps taken so far to assure this for all her people, and it is in the best interest of the United States to contribute to her attempts at developing a strong, democratic and equitable society. That is what our Bicentennial is all about. For my colleagues review, I would like to insert a portion of a speech delivered by Prime Minister Manley on May 12, 1976:

## IN RECOGNITION OF JAMAICA'S 14TH YEAR OF INDEPENDENCE A WATERSHED

Jamaica is at one of those great difficult taxing watershed moments that occur in history as a country evolves—a time of fundamental change.

In 1962 political independence opened a door, but those who led then forgot that we had lived with two forms of difficulty—the denial of political rights and an economic system which cannot produce justice for mankind.

### IMPERIALISM

We are conscious of this and try to be the agent through which change can be expressed in Jamaica.

We are the product of the process in history known as imperialism. That process established a lopsided economy based on monoculture, made us dependent on imports, lacking in education, lacking in technology, and lacking in self-confidence. It also planted a capitalist structure and psychology in Jamaica and divided the people into a minority who were the beneficiaries of the imperial process and a majority who were its victims.

This system produced a situation whereby in 1972 one-quarter of the adult population could not find work; 300,000 could neither read nor write; all our bauxite lands had been sold off to foreign ownership; such of the best land as remained was concentrated in a very few hands.

Against this background Third World leaders are working together to change the world in which we live and trade.

### MORAL RELATIONSHIP

Inside Jamaica, the philosophy of democratic socialism seeks to achieve social justice, development and equality through the political management of the economic process. It seeks to define a moral relationship between all the citizens and to invoke political management to secure the most rapid possible approach to that moral relationship.

It has to be democratic because only all of the people, acting in concert, can ensure that the political process secures a moral purpose in the workings of the economy.

### NATIONAL BROTHERHOOD

Attitudes will have to change for the society to accept the idea of a moral outcome to economic activity because the other system has taught that the only purpose of economic activity is personal gain. The changes will have to show that our economics must be moral in its outcome, serving the needs of the society as a whole with proper rewards to the individual and a wider sense of national brotherhood.

Internally, one has to work towards control of the economy. This involves the power of the state to create a framework of social justice by developing the democratic institutions to ensure that people have the means of making decisions that affect their lives. It also means the development of our human resources so that they are capable intellectually, emotionally and psychologically of meeting the demands, opportunities, responsibilities and attitudinal requirements of a society of justice.

1962-72

In examining our present situation, we have to take a look at the forces at work between 1962, when we gained political independence, and 1972 when this Government took office.

The period of the 60s has come to be known as the booming 60s—a time of unprecedented well-being in the world. Unemployment, which was 13 percent in 1962, had grown to 23.6 percent by 1972.

Taking another indicator, migration in 1962, was 12,000 but in 1972 it had climbed to 31,000.

### SINCE 1972

In contrast, 1972 we have: revolutionised the employment status of women; distributed land on an unprecedented scale; waged a major attack on illiteracy; returned bauxite lands to national ownership.

I must deal with criticisms regarding help to Jamaica from Cuba in certain areas.

### MICRO-DAMS

For example, microdams. We need water for our poor farmers. Cuba has perfected the technique of entrapping water in microdams.

It is planned to build 234 micro-dams in four years with total capacity of 17.5 billion gallons, which can irrigate 50,000 acres of new agricultural land. This has been made possible by assistance from Cuba.

### SPECIAL EMPLOYMENT

Only 4,000 of the 30,000 employed in the Special Employment Programme are engaged in street cleaning and similar activities, and only \$7 million of the total of \$53 million is spent on this aspect of the programme. The remainder is employed in dynamic economic activity providing essential infrastructure, mainly for farmers, such as watershed works, roads, forest protection and terracing.

### HOUSING

New techniques have been introduced to increase the amount of housing available to the poor. The Cuba/Jamaica housing project in Falmouth will provide 426 3-bedroom units and infrastructure. The prefabrication plant was given by the Cuban Government.

The Sites and Services Programme will provide 6,000 units in 3 years.

### EDUCATION

In education, basic school enrollment, which stood at 58,000 in 1972, will pass the 100,000 mark this year. The budgetary provision of \$250,000 in 1971 has been increased to \$4.2 million this year.

Teachers in these schools who were earning as little as 50 cents per week are now being paid between \$20 and \$25 through a government subsidy.

Enrollment in the secondary and tertiary school system has increased from 83,000 in 1971 to 151,000 in 1976. Overall, a total of 101,900 additional places have been created in the educational system.

The literacy programme is also moving forward with a total registration of 175,000, with some 55,000 actually having been made literate. Targets for 1976 include an enrollment of 200,000 and a teaching staff of 20,000 volunteers.

### COST OF LIVING

On the cost of living, everyone knows how we fought and our newest effort involves a system of voluntary price investigators who will begin work on a pilot basis in Manchester and St. Elizabeth.

### WAGES

It should be recognized, however, that although there was a 90 percent rise in the cost of living between 1972 and 1975, remuneration to employees rose from \$660 million to \$1,568 million, an increase of 137 percent. National disposable income rose by 117 percent.

In 1960, the Jamaican economy provided 570,000 jobs, and, in 1972, 598,000—a growth of 28,000 new jobs in twelve years.

In the four years 1972-76 this Government has provided 87,000 new jobs.

A look at actual wages shows that a man's pay went up from \$1.50 per day to \$2.10 between 1962 and 1972—40 percent. A woman's wage rose from \$1.35 to \$1.60—18 percent. After four years, the position is that men's wages have gone from \$2.10 to \$5.30 and women's from \$1.60 to \$5.30—152 percent and 231 percent respectively.



## WAGE RESTRAINT

A word to the trade union movement is essential. It is a fallacy that rapidly escalating wages for a majority of the population provides the demand through which slowly the rest of the population can be employed.

There has to be restraint as well as a concern for productivity. Government has enforced the strongest price control policy in the history of this country. We have frozen salaries above \$16,000 and we are in discussion with professional groups about restraints.

Our tax policy provides for a just sharing of the sacrifices necessary.

Let the country be warned, however, that we cannot go on increasing the benefits to those who already have without increasing the number of people who have no benefits at all. That is why we must have restraint that others may have hope.

## FOREIGN POLICY

On foreign policy, let me remind that this policy is based firmly on the maintenance of traditional friendships. For example, in our bauxite strategy, we will not deny to the U.S. one ton of bauxite. But we will not accept that the marketing of our most critical resource is dependent upon one source of demand. Our strategy, then, is to diversify. We are exploring new markets. The JAVA MEX plant is going to be built, because we have pursued a Third World possibility, involving Mexico and Venezuela. Because of our Cuban relationship, we have also been able to open up new market opportunities in such areas as Algeria and Hungary.

## SOUTHERN AFRICA

Another tenet of our foreign policy is bound up with the struggles of Southern Africa. For when you talk about the struggle for better sugar or bauxite prices, for better terms of trade and for a new international economic order, it is not a struggle in bits and pieces. It is one struggle aimed at the change of that world system which has, as one of its hinges, the economic power of Southern Africa.

Therefore, the struggle to liberate Angola is part of the same battle for sugar prices.

And look at Mozambique. Rhodesia sits there as one of the remaining focal points of the struggle. At the Commonwealth Conference in Kingston, we all pledged that if Mozambique became independent she would be critical to that struggle. And we pledged that, if she would have the courage as a new poor nation to close her borders, we would all chip in what we could. It is for this reason that Jamaica is pledged to contribute \$50,000 annually to that country's survival.

## DEMOCRACY

I will say something about democracy, which is our passion, our guiding principle. We are building a democracy in which Parliament is sacred, and the local-government system is strengthened.

Beyond that Community Councils will provide an integral organisation to work with local government.

At the student level, by the end of the calendar year, each student council will be part of a regional council representing students relating to five educational regions. By the start of next year, regional councils will have elected the National Council of Students, who will have access to the Minister to discuss the great decision-making issues.

## SOCIAL JUSTICE

As part of our programme of social justice, we have enacted the Industrial Relations Act, which for the first time establishes the legal right of the Jamaican worker to trade-union representation. It also establishes the fundamental right of reinstatement in cases of wrongful dismissal.

The National Minimum Wage Law establishes the principle that no human being can be asked to work for less than a certain sum

as determined by the state. The Termination of Employment and Redundancy Payments Act has at last brought to an end the concept of master and servant, and replaced it with the concept of dignity for all labour, even where there is no trade union to protect them.

There is also the sugar workers' out-of-crop Guaranteed Employment Bill, which enshrines the fundamental principle that workers who help to earn profits during the sugar crop should not be discarded out of crop.

Then there is the Family Court, which is providing an atmosphere in which the problems of the family can be dealt with in a court that is sensitive to those problems.

New legislation is coming to provide that dependents of a deceased can make a claim on his estate by establishing that they were in fact dependent.

## LAND LAWS

There is to be a new trio of land laws as part of Government's land reform programme. The Land Bonds Act already passed provides that lands acquired for a public purpose by Government may at its discretion be paid for wholly or in part by land bonds. It will also provide that where a residence is part of the property acquired it will be paid for in cash.

The Land Development and Utilisation Act will empower the Government to compulsorily lease idle land for an initial period of 10 years.

Significantly, also, there will be new land to abolish the concept and meaning of illegitimacy in this country.

The Land Acquisition Act will give the Government powers to acquire, in the public interest, lands which have not been declared idle.

These laws will put the Government in a position to ensure that all idle lands are brought into production and secondly to acquire, at realistic prices, properties that are critical to the development of any area.

## NATIONAL HOUSING TRUST

The National Housing Trust which arose out of a proposal by the trade union movement has been attacked by the opposition. This scheme will not only build twice as many houses for the country, but will also provide mortgage money for persons who never had access before and will provide funds for repairs and extensions. Any rejection of this scheme is an insult to the country's trade union movement and to the parliament that passed the law.

## SOCIAL RESPONSIBILITY

We say we must change the system internally and externally, guaranteeing the security of property in a context of social need and group rights, guaranteeing liberty in a context of social and group responsibility, replacing the principle of competitive aggressiveness with the principle of cooperation, replacing the philosophy of personal acquisitiveness with the philosophy of brotherly duty and service.

The JLP's road is an old low road, which assumes the most cynical view of the possibilities of man's nature. The PNP's road is a new high road based on an undying faith in the moral possibilities of man's nature.

## A MORAL CONTEXT

They have presented a clear message of reformist capitalism. We stand for Democratic Socialism with a mixed economy and a system in which social justice and equality are the prime concern of the society. Because it is the only condition in which my liberty, my rights, my freedom are secure because they stand in a moral context and will survive securely, because they have not been achieved at the expense of or by the exploitation of my brother or my neighbour. That is why we have asked businessmen, professionals, nurses, teachers, farmers, machinists,

cane-cutters, grass-weeders, architects and the men of God to share in this dream and help in the building of a democratic socialist society.

## SACRIFICE

But there is always the group which will not accept change and fights tooth and nail to stop change. But you cannot create a just society without some sacrifice that others may advance.

## DESTABILISATION

Recent history is replete with evidence of not only action within nations to stop change, but of international action as well. The unexplained violence at sophisticated levels, upsurge in industrial unrest, organised letters to the press, internationally orchestrated articles published in newspapers, the slowing-down and entangling of aid, are evidence of the destabilisation process. In not one case in history has the country destabilised been able to prove it. Destabilisation operates so skillfully through manipulators. I make no charges, but I do put the country on the alert because the things now happening in Jamaica are not by accident.

Let us look at what is happening. Twelve thousand Jamaicans have migrated last year, some of whom are opposed to change. There is the Mafia, who tried to establish Jamaica as a major transshipment centre for hard drugs. This same Mafia provides some of the channels through which money is illegally taken out of the country. We also note the spate of foreign articles since we took our stand for truth, justice and liberation for Angola.

## CONFIDENCE

But, if we only have the confidence among ourselves, our country cannot be destabilised if its people understand the truth and do not allow the manipulators to tell them what to do.

For 300 years, we lived on our knees and in chains. In 1962, we cast off the chains but for ten long, sad years we remained on our knees, because or leaders would not ask us to stand up.

The JLP has declared that it is in the middle of the road. It deceives no one. They are on the extreme right.

## CONCLUSION

I took up my position on the left when I was old enough to perceive and understand the nature of poverty and injustice in the world.

I took up my position as a democrat on the left when I came to understand how the elitists of history manipulate the people to preserve their own power and privileges.

Therefore, Power for the People is not a slogan for us but a summons of the will of a people to take up the challenge of true democracy and political self-reliance.

Our mission is to keep our nation on its feet marching forward in the struggle against injustice and up that long winding road that leads one day, in God's good time, to a world and a nation from which poverty has been banished once and for all.

## AMENDMENTS TO CLEAN AIR ACT

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. CARTER. Mr. Speaker, I have two possible amendments to the bill, H.R. 10498, the Clean Air Act Amendments of 1976.

My amendment to section 108, on page 201 of the reported bill, would eliminate the arbitrary reduction by the propo-

nents of this provision of primary ambient air quality standards for certain pollutants.

My amendment striking section 115 of the bill would eliminate the special treatment provided already dirty areas by continuing congressional policy in the 1970 act which provided that all areas of this Nation must attain and maintain ambient air quality standards. Section 115 would allow continued pollution of dirty areas, and I do not believe such a policy is consistent with the intent of Congress.

#### POST CARD REGISTRATION: MAKING IT WORK

### HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. BONKER. Mr. Speaker, this week the House will be considering H.R. 11552, the Voter Registration Act. This proposal was rejected by a vote on the rule last session, and it has been held up by the Rules Committee until recent days. The labor-backed measure has considerable merit, but for anyone who has taken time to examine this bill it contains serious deficiencies which I hope will be corrected before final passage.

As a former county supervisor of elections, I am concerned that we develop a program to achieve greater voter participation without disrupting existing State and local voter registration systems. I am keenly aware that our election laws have done more to frustrate and inhibit than to encourage the voter on election day, and it is for that reason I am compelled to speak out as the House begins its deliberation on post card registration. I join many of my colleagues who feel it is time for Government, and specifically the Congress, to shed its passive role in getting the people to the ballot box. We can no longer sit back and accept the decline in voter participation we have seen in this country over the last two decades.

While I feel strongly that we need renewed efforts to get people registered and to the polls, we should not hastily enact a bill that will be counterproductive as I believe H.R. 11552 to be. Here are just a few of the problems:

First. For the first time, the Federal Government will become involved directly in the registration process, a function traditionally left to State and local governments.

Second. The Voter Registration Administration—VRA—represents a new bureaucracy which duplicates and may preempt State and local responsibilities in this area.

Third. The cost is enormous, and may run way in excess of the \$50 million estimated in the bill.

Fourth. The waste is unconscionable, with Federal voter registration forms going to every household in the country every 2 years. It is estimated that this amounts to 500 stacks of forms equal in height to the Washington Monument.

Fifth. The distribution formula is also wasteful. Two-thirds are already registered, which guarantees two-thirds waste. Also, households may include anywhere from one to six eligible voters. How does the mailing accommodate such a task?

Sixth. The greatest fear is the possibility of creating dual voter lists—one for Federal electors and one for State and local electors. Here is what happens: A prospective voter receives a Federal form in the mail, completes and returns it to the State. On election day he discovers that he is registered to vote in Federal elections only, thus is ineligible to vote for State and local offices and issues.

Seventh. The administrative problems created by Federal mass mailing are enormous. Local election officials, when they receive a completed Federal form must check to see if the person is previously registered. If so, the person is so notified; if not, he is registered and sent a registration notification form. Two sets of registration lists are necessary—one for Federal and another for State and local elections. Election workers will have to work with both lists. Each precinct will require two sets of paper ballots or voting machines—again, one for Federal candidates and one for State and local candidates and issues.

Mr. Speaker, because I am so committed to postcard registration I will introduce my own proposal in the form of three amendments. My proposal will include achieving the important objectives sought in H.R. 11552, while at the same time addressing the very real concerns that I share with State and local election officials who administer the voter registration programs.

First, however, I would like to distinguish between the "mass mailing" feature in the bill and "post card registration." The Federal mass mailing program is an effort to mail registration forms to every household in the country. Post card registration, or registration by mail, provides a voter registration form designed like a modified post card. Prospective voters can obtain such forms at public buildings, labor halls and other convenient locations. The forms can also be distributed by party workers at fairs or door to door. The distinguished advantage of post card registration is that this form, which can be so readily obtainable, can be completed and mailed to local elections officials with ease by each voter.

States do and can have post card registration without the necessity of the mass mailing of registration forms. Seventeen States, including Maryland, New Jersey, and Minnesota, have had successful experiences with post card registration without the mass mailing feature. The District of Columbia is the lone example of a post card registration system with mass mailing, and it is my understanding that some 578,000 registration forms mailed by July 16 have to date generated only 6,000 responses.

My first amendment would eliminate the mass mailing provisions of H.R. 11552, thereby saving millions in printing and postage costs. We also save the

colossal waste caused by mailing to people already registered.

The second amendment insures that in adopting forms the VRA will adopt the State post card forms for any State which had developed one in compliance with the act and the rules and regulations of the administration. This avoids the administrative nightmare and voter confusion inevitable with a dual registration system and keeps elections administration where it should be—with the States.

Third, I propose to change the effective date to January 1, 1979, to give States a chance to adopt post cards systems before a separate registration for Federal elections is instituted. Moreover, does anyone really know what implementing this bill immediately—for this election—entails? Among other things, 150-plus million post card registration forms will have to be mailed this Wednesday under the provisions of this bill as reported.

I hope my colleagues will seriously consider these amendments in an effort to make this program work. It is with some reluctance that I offer them because of the total commitment of those who want to see increased voter participation and, frankly, from labor organizations and our party nominee. However, I would be less than honest if I did not confront what are to me, based on 8 years of election experience, serious and even dangerous flaws in this legislation as it stands.

Mr. Speaker, I would again reaffirm my support of the voter registration by mail concept. My bill would achieve the objective sought by those who support this concept without the administrative problems and wasteful spending that is inherent in a mass mailing program. We can insure that people have access to the ballot box by simplifying registration procedures and making registration easy and convenient. My amendments are intended to accomplish this.

I include the following:

AMENDMENT TO H.R. 11552, AS REPORTED  
OFFERED BY MR. BONKER

Page 5, line 21, insert "(1)" immediately after "(b)".

Page 6, immediately after line 10, insert the following new paragraph:

"(2) In any case in which a State uses a voter registration form which is prescribed by State law and which complies with the requirements of this Act and with rules and regulations issued by the Administration under this Act, the Administration shall permit such State to use such form in lieu of the voter registration form prepared by the Administration under subsection (a)."

Page 10, line 15, strike out "the" and insert in lieu thereof "a".

Page 10, beginning on line 15, strike out "prescribed by this Act" and insert in lieu thereof the following: "approved by the Administration under this Act".

AMENDMENT OFFERED BY MR. BONKER TO THE  
AMENDMENT OFFERED BY MR. THOMPSON TO  
H.R. 11552, AS REPORTED

In the amendment relating to section 16 of the Act, insert immediately after "on" the following: "January 1, 1979, except that the provisions of section 3 shall take effect on".



AMENDMENT TO H.R. 11552, As Reported  
OFFERED BY MR. BONKER

Page 7, line 2, insert "and availability" immediately after "distribution".

Page 7, beginning on line 2, strike out "accordance with the provisions of this section." and insert in lieu thereof the following: "post offices and appropriate Federal, State, and local government offices. Such registration forms shall be generally available, and this section shall not be construed to place any time limitation upon the duration of such availability."

Page 7, strike out line 8 and all that follows through line 15.

Page 7, line 16, strike out "route."

Page 7, strike out line 22 and all that follows through page 8, line 2.

Page 8, line 3, strike out "(d)" and insert in lieu thereof "(b)".

Page 8, strike out line 7 and all that follows through line 11.

IMPROVING FREE ENTERPRISE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ABDNOR. Mr. Speaker, I would like to share with my colleagues another essay which won a top award in the South Dakota Stockgrowers Association annual essay contest.

The topic for this Bicentennial Year was "How the Free Enterprise System Can Be Improved." The following essay, by Eric Uecker, provides an interesting perspective of the American economic system and the role of the Government and Government regulation in the system. The author then offers some suggestions as to improving our free enterprise system.

The article follows:

HOW THE FREE ENTERPRISE SYSTEM CAN BE  
IMPROVED

(By Eric Uecker)

To answer the question, "How the Free Enterprise System can be Improved," we must first have an understanding of what the free enterprise system is.

Adam Smith in his book, "The Wealth of Nations", published in 1776, first presented the concept of free enterprise. Under a free enterprise system the means of production is privately owned and controlled, each individual may make his own decision in economic life, and an individual's income is roughly in proportion to his contribution to the system in labor and resources.

The free enterprise system makes the critical decisions of how much of what will be produced, who will be doing what task of production, and how much of the produced product at what cost will each individual receive.

The first decision is made by the consumer. The consumer decides how much of what will be produced by the way they spend their money. If a product is popular large quantities are purchased and more money goes to the producer, giving the producer more profit. In return the producer produces more of the popular product. On the other hand, if a product isn't popular small quantities are purchased and less money goes to the producer, giving the producer little profit or even a loss. In return the producer looks for a new product that will be popular so he can make a profit. In either case the consumers control the market to their advantage.

The second decision is made by the individual laborers. The laborers decide who will do what task by choosing their occupations. They will choose jobs in the more prosperous industries where there is more money available for wages. This is advantageous to the system because even though the decision is made in the self interests of the laborers, it puts the labor force where it is most needed.

The last decision is made by how badly consumers want and how much they are willing to pay for a product. Products go to the people most willing to pay for a product. The cost of a product is determined by the demand (and cost of production). If the demand goes up prices go up because there is competition to buy, so the product goes to those most willing to pay. If demand goes down the price goes down to create more demand for the product.

Competition is not of the most important ingredients for successful free enterprise. Competition between producers benefits the consumer by giving him the most for the money. Competition between labor benefits the producer by providing him with low cost labor. Nearly everyone benefits from competition.

This is how the free enterprise system is supposed to work. However, we will find many problems in adoption of pure free enterprise.

First let's go back to the critical decisions an economic system must make. The consumer cannot manipulate the market unless he has a wide choice of what to buy. His choice can be restricted when monopolies or near monopolies created by giant corporations exist.

The second decision can also be altered under a pure free enterprise system. If the consumer's demands are not being interpreted by the corporations then profit occurs in the wrong areas because of the market's inability to change, thus labor goes to area of false profit.

The third decision can be poorly made under a pure free enterprise system. This stems from the basic cause of the other two. When demand is restricted by lack of competition there is no one to compete for providing the most for the money, so prices can be controlled by a small group of corporations.

Another dreadful thing that can happen under the system is exploitation of a labor group because of their position, such as the sweat shop situation of the last century. This is caused by the corporation's ability to control the working masses.

So we can see that the basic problems in the system arise from monopolies, lack of competition, and the unchallenged powers of corporations.

The federal government tries to avoid these problems within the system by implementing market controls. However, we shall see that many government controls over the free market do more harm than good.

To solve the problem of monopolies controlling consumer choice, the government institutes antitrust laws and campaigns against monopolies. This is great for the free enterprise system. However, the government goes overboard in its efforts to help small business to compete with large corporations by imposing fair trade laws supposedly to prevent big business from underselling small businesses to drive them out of business. The biggest failing of fair trade laws is that they go against competition which is necessary to make the system work.

To solve the problem of exploitation of labor, unions have been formed. Also minimum wage laws and safety standards have been instituted to protect the working class. These laws are basically good. However, in some cases the minimum wage is too high and safety regulations are too strict.

The biggest mistake of the government in controlling the market is subsidizing fail-

ing businesses. The government subsidizes businesses that it thinks should be saved. This is a huge mistake! First, it is unnatural. The government blocks the responses of the market. Second, it is inflationary. Under subsidies businesses that would otherwise fail, continue to compete for resources, raising the cost of resources, which raise costs of all manufacturers, who in turn raise prices to the consumer. And third, subsidies cost the government money which could be better spent elsewhere.

I believe the best way to improve the free enterprise system would be to eliminate many government regulations over the free market. Fair trade laws and government subsidies should be phased out. The minimum wage should be reduced. Safety regulations for businesses should be relaxed. The anti-trust campaign should be increased as these laws are relaxed, creating an almost completely free market. I believe this would be the best method because it would eliminate the causes of many problems under the system without being over restrictive.

The free enterprise system is the best economic system yet devised. The Russians have found it necessary to provide monetary incentives, for workers to get them to produce to capacity. The Socialist nations have found problems in the inefficiency of a bureaucracy. This inefficiency is seen in the U.S. For example, the U.S. Postal Service (government owned) is 40 percent less efficient than the United Parcel Service (privately owned), and U.P.S. costs less to use.

The free enterprise system has not yet been surpassed. With a few changes the system can be extremely sound.

INTERNATIONAL TERRORISM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. GILMAN. Mr. Speaker, the resolution I am introducing today is addressed to the exigent necessity to preserve civilized nations from the further calculated destruction of international terrorism. There is no question but that we must meet the diabolical menace of international terrorism with a greater resolve than has heretofore existed. We must launch an intensified, coordinated attack against international terrorism.

Secretary of State Henry A. Kissinger, in an address before the American Bar Association's 1975 annual convention in Montreal, asserted that—

The modern age has not only given us the benefits of technology; it has also spawned the plagues of aircraft hijacking, international terrorism, the new techniques of warfare. The international community cannot ignore these affronts to civilization; it must not allow them to spread their poison; it has a duty to act vigorously to combat them....

The United States is convinced that stronger international steps must be taken and urgently to deny skyjacks and terrorists a safe haven and to establish sanctions against States which aid them, harbor them, or fail to prosecute or extradite them.

The stage for terrorism is vast; the contextual parameters are global. In 1970, a spokesman for the Popular Front for the Liberation of Palestine declared:

There can be no geographical boundaries or moral limits to the operations of the

peoples' camp. In today's world no one is innocent, no one is neutral.

Terrorism is a threat to the very foundation of international relations. As former Secretary of State William P. Rogers stated before the 27th session of the U.N. General Assembly:

In short, the issue is whether the vulnerable lines of international communication—the airways and the mails, diplomatic discourse and international meetings—can continue, without disruption, to bring nations and peoples together. All who have a stake in this have a stake in decisive action to suppress acts of terrorism.

Hijacking is indeed one of the most virulent manifestations of international terrorism. As a U.N. Secretary's report to the General Assembly in 1972 stated:

The modern aircraft . . . is perhaps the most vulnerable of all high and complex development of technology. . . . contains assemblages of people many from countries, . . . and if brought under the terrorists' control, offer a speedy and safe means of reaching a distant asylum abroad.

The steps we must take are clear: we must deny any such asylum to terrorists and we must convey to any terrorists the message that there is an aggressive, coordinated multinational effort to apprehend and mete out penalties to these terrorists that are equal to their heinous crimes.

The malignancy of international terrorism was recently demonstrated at Entebbe Airport in Uganda as pro-Palestinian hijackers held 256 hostages aboard a French airliner. The Entebbe terrorists sought to impose their demands through threat of "severe and heavy penalties" if their demands were not met. While three hostages were killed in an ensuing battle to free the hostages, the death toll could have been significantly greater as the terrorists, acting according to the dictates of their whim, continued to control the fate of those hostages aboard the aircraft.

Mr. Speaker, currently there are three international treaties—the Tokyo Convention, the 1970 Hague Convention, and the Montreal Convention—dealing with the hijacking problem. Attempts to make these conventions more effective by providing sanctions against nations harboring hijackers have failed. Moreover, the conviction rate of hijackers—including sentences actually imposed—has been unimpressive.

Yet, there is a glimmer of hope in the antihijacking resolution introduced at the U.N. Security Council recently by the United States and Great Britain, condemning "hijacking and all other acts which threaten the lives of passengers and crews," and which called on all countries "to take every necessary measure to prevent and punish all such terrorist acts." While this resolution was defeated, its sponsors were encouraged by the fact that the vote of the 15 member Security Council was six in favor, two abstentions, and seven nonparticipating—the resolution failed by only three votes. The voting encourages one to predict the emergence of a watershed of intolerance within the international community toward the heinous acts of terrorism.

The resolution I am introducing comes at a critical juncture in the history of efforts to vanquish the forces of international terrorism. Now, more than ever, there is the chance that a civilized international society will prevail over those who would seek to throw that society into chaos.

We are, however, confronting a formidable foe. For as David Fromkin, a recognized authority on international terrorism asserted:

These terrorists seem to thrive and multiply everywhere in the world, bomb or machine gun in hand, motivated by political fantasies and hallucinations, fully convinced that their slaughter of the innocent will somehow usher in the millenium for mankind.

Mr. Speaker, there is no question but that we must act quickly. While there were only 46 reported aircraft hijackings between 1930 and 1967, between 1968 and the end of 1971, the number of hijackings increased to 170. During that period approximately 100 persons were killed and 142 injured in aircraft related acts of terrorism. From 1972 through the present, estimates indicated that 387 persons have been killed and 177 wounded from terrorist related attacks on the aircraft.

The utterly contemptible nature of these acts is underscored when we consider the extent of conflagration and bloodletting in which some of these abominable deeds have concluded. I recall the recent hijacking in May, of a Philippines Air Lines jetliner in Mindanao, by six gunmen believed to be rebel Moslems, that ended in a fierce gun battle leaving 10 passengers and 3 hijackers dead, and the plane destroyed by fire.

In September 1974, a TWA flight to New York exploded just after takeoff from Athens, killing all 88 persons on board—a Palestinian group quickly claimed responsibility for the explosion.

Yet, as respected Washington investigative reporter Judith Miller recently pointed out:

Terrorism cannot be measured by statistics. It is violence in its most pernicious form; its victims are innocent; it is unpredictable. And its impact is all the greater because it makes one's own Government seem either helpless or heartless—unable to protect its citizens or callous in the remedies [to effect their release] it employs.

As Judith Miller indicates, while the FBI has a better than 90-percent capture rate concerning criminals involved in kidnappings for ransom, a terrorist involved in an international kidnapping has about an 80-percent chance of escaping capture or death. The average sentence for those caught and brought to trial has been only 18 months. Thus, of 267 international terrorists captured since 1970, a total of less than half were still in jail in September 1975.

In the wake of Entebbe, the United States must, in the strongest manner possible, impress upon the other members of the international community, the exigency of the hijacking problem.

Moreover, we are all too familiar with the havoc and destruction left by other forms of international terrorism and thus, we cannot address our actions

merely to hijacking. Incumbent upon those outraged by brazen attacks, assassinations, threats, and the taking of innocent hostages, is the obligation to minimize those opportunities that terrorists have to reach center stage before those nations they wish to extort.

We must also seek the establishment of an appropriate forum within the United Nations framework within which nations may undertake an ongoing study and dialog concerning the root causes and nature of terrorism, and the most efficacious long-term proposals to eradicate this phenomenon from the international community.

While I strongly encourage the sincere and determined efforts continuing within other quarters against international terrorism, I realize also that the United States must not hesitate to utilize those means already approved by Congress, to combat international terrorism.

Mr. Speaker, we must thus initiate an intensified international effort against the scourge of terrorism. We must stir the councils and fora of the international community so that what results is more than an embroglio of counterproductive polemics and nationalistic diatribes. At stake is nothing less than preserving the basic fabric which knits together the civilized elements of our international society.

Accordingly, I urge my colleagues to support this legislation and I insert the full text of this measure at this point in the RECORD:

H. CON. RES. 697

Urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism and to seek stronger international sanctions against such countries and persons.

Whereas abhorrent acts of international terrorism have resulted in the death and injury of many innocent persons and have caused serious disruption of the channels of international commerce and diplomatic discourse;

Whereas international terrorism takes many shocking forms and continues to threaten the safety and well-being of citizens of all nations; and

Whereas previous efforts on the part of individual nations and of the international community as a whole to eradicate international terrorism have been unsuccessful: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should exercise his powers under section 620A of the Foreign Assistance Act of 1961 (relating to prohibitions against furnishing assistance to countries which grant sanctuary to international terrorists) (22 U.S.C. 2371) and section 1114 of the Federal Aviation Act of 1958 (relating to suspension by the President of air services to countries which grant sanctuary to terrorist organizations which use hijacking of aircraft as an instrument of policy) 49 U.S.C. 1514) whenever an act of international terrorism occurs.*

SEC. 2. It is further the sense of Congress that the President should instruct the Ambassador of the United States to the United Nations to seek the formation of a permanent international commission to conduct an ongoing study for the purpose of—

(1) providing a definition of international terrorism;



(2) determining the underlying causes of international terrorism; and

(3) proposing methods for preventing future incidents of international terrorism and dealing with such incidents when they do occur.

SEC. 3. It is further the sense of Congress that the President should renew efforts begun at the air security conferences held in Rome during 1972 under the auspices of the International Civil Aviation Organization to establish an international convention providing aviation sanctions against countries that refuse to punish or extradite persons responsible for unlawful acts against civil aviation.

SEC. 4. It is further the sense of Congress that the President should use all available means to seek strict compliance with the Convention for the Suppression of Unlawful Seizure of Aircraft by each country which is a party to such convention and to obtain ratification of such convention by countries which are not parties to such convention.

SEC. 5. It is further the sense of Congress that the President should seek an international convention to provide for the prevention and punishment of the taking as hostages of persons who are not already protected by the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

#### NATURAL GAS PRICE INCREASE CHALLENGED

**HON. HERBERT E. HARRIS II**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. HARRIS. Mr. Speaker, the Federal Power Commission's decision to triple the price of natural gas is a travesty. This decision will cost the American consumers considerably—in the forms of higher inflation, more unemployment and some \$1.5 billion in the first year in direct natural gas price increases. The cost to the consumers of northern Virginia will be over \$1.9 million.

To stop this rate increase, on Friday, July 20, 1976, I petitioned the U.S. Court of Appeals for the District of Columbia Circuit and the Federal Power Commission, along with several of my colleagues, to challenge FPC's decision. We are joining the suit filed by the Consumer Federation of America, the Energy Action Committee, the National Rural Electric Cooperative, the American Public Power Association, the American Public Gas Association and several other organizations.

Tripling the price of natural gas will have a devastating impact on the economic recovery of our Nation—it will accelerate both spiraling inflation and lead to increased unemployment. I have asked the FPC and the court of appeals to grant a stay of the new rate and to order a rehearing. This stay is necessary since, as a practical matter, money will never be refunded to interstate consumers when the decision is set aside. I am pleased that the court has granted an emergency stay pending the decision on a rehearing.

FPC's action circumvents the policy of reasonable prices that Congress guaran-

teed the consumer. We fought decontrol of natural gas in the House this year. Big oil came to us and asked Congress to authorize these price increases. But Congress rejected such an action; we decided to restrict price increases on natural gas in order to protect the consumer from the monopolists. Further, we decided that a lid on prices was necessary to contain the current round of inflation. Labor Department statistics show that energy prices accounted for nearly one-third of the total increase in the Consumer Price Index in June, which rose at the annual rate of over 6 percent. The FPC ignored the will of Congress; and, I believe that the Commissioners' action demonstrates a disregard of both the FPC's statutory responsibilities under the Natural Gas Act and the limits of its administrative powers.

I do not think it is a coincidence that the three members of the FPC who voted for this rate increase were appointed by the current administration. Down the line, issue after issue, the administration has consistently supported the efforts of big oil to raise the price of energy products, and opposed the rational pricing that reflects actual costs. The administration has sought to fatten the profits of big oil without regard to the concerns of the public. A reading of the financial section of the newspaper shows that Exxon, Standard Oil (Indiana), Texaco and other firms are doing very well—profits are up.

And so it seems that the Commissioners are more interested in corporate profits than in setting equitable cost-based prices. I understand that much of the rate increase is to offset the income tax liability of these corporations. In the past, whenever the firms cried about their income taxes and claimed that they needed more income, the FPC required them to provide actual tax data. They refused. In this instance, the FPC did not request this information. The Commissioners did not press their friends in big oil for accurate data.

This is the largest rate increase in the history of regulatory controls. And yet, the FPC did not even think it necessary to allow consumer representatives to come before the Commission during the ratemaking proceeding. Decisions of this magnitude should not be made in secret without giving full opportunity for interested parties to testify and offer evidence. How many times have my colleagues heard their constituents ask: When will our Government stop listening to the special interests and listen to the people?

The fight for reasonable prices is not over. The fight against big oil's corporate power must go on.

SPEECH BY ANSI PRESIDENT  
JOHN W. LANDIS

**HON. BOB WILSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. BOB WILSON. Mr. Speaker, energy continues to be one of the primary,

if not the main, problem facing the United States today, and we in the Congress are not helping the situation.

The real problem lies in the fact that the Arab oil embargo has been largely forgotten by the American people. They believe that energy is again plentiful—albeit at a higher cost.

The responsibility for educating the public lies with us. Action has to be taken now and public opinion reversed if we are to survive and excel in our present world.

American National Standards Institute president John W. Landis expressed concern for our country's energy future during an April meeting with the Virginia section, American Nuclear Society and I commend his remarks to my colleagues for their consideration.

The article follows:

SPEECH BY ANSI PRESIDENT JOHN W. LANDIS

In the United States today grave deficiencies in both efficacy of government and calibre of the population are aggravating the energy crisis. These deficiencies are so critical that unless they are rectified in the near future the United States will become a second- or third-class power in world affairs—and, even worse, its social inequities, crime rate, and unemployment will soar to unprecedented levels.

Not too many years ago—five to be exact, when I was president of the American Nuclear Society—I felt that the major blame for the energy mess into which the United States had drifted could be laid at the doorstep of the executive branch of the federal government. It had failed to develop and recommend to Congress a clear national energy policy. What may have been the case then is no longer true, however. President Ford, Secretary of the Treasury Simon, and Federal Energy Administrator Zarb have all stated publicly and forcefully what needs to be done to increase our energy supplies and make better use of the energy we do consume.

#### ADMINISTRATION POLICY

Their policies include (1) deregulating the price of natural gas, (2) increasing off-shore drilling for oil, (3) permitting strip-mining of coal under environmentally acceptable conditions, (4) more fully utilizing nuclear and other advanced technologies (e.g., solar), and (5) providing incentives for businesses and individuals to conserve energy as much as possible. These policies have been incorporated in regulations and executive orders to the extent possible, but often they have been either reversed or undercut by Congress in a vain attempt by that body to satisfy a vociferous misguided portion of the public that believes the United States can have all the energy it wants at reasonable prices with no real sacrifice on anybody's part.

I am convinced now that the blame for the continued failure of the nation to adopt a sound energy policy has to be assigned to Congress and certain segments of the public. The basis for this conclusion is not partisan politics but an objective attempt to crystallize the problem in a way that makes it more amenable to solution. As a matter of fact, about the same proportion of Republicans as Democrats in Congress seem to be bucking the Administration on the energy issue.

Perhaps I had a premonition of this turn in my thinking when I said during my last talk to the Virginia section in February, 1972: "If public distrust of the nuclear community continues to grow and further influences legislators, we shall be spending our time chasing 'red herrings' rather than facing up to these problems, and they will not be solved. In that event it is conceivable that

our society could grind to a catastrophic, power-hungry halt."

I had fears then; I have more now. One of them is that Congress appears to be the last group in the nation to understand the true nature of the energy crisis. Why do I say this? Let's take a look at the record.

#### CONGRESSIONAL ACTION

Currently, there are 33 committees and about twice that many subcommittees in Congress dealing with energy matters. In 1975 they proposed over 1000 bills—and only three passed!

One of the three bills was the repeal of the oil depletion allowance. Of all the perverse actions taken by legislative bodies throughout history this has to rank near the top. There never was a greater need to spur production of oil, yet the highest authority in the land has seen fit to do just the opposite—encourage investors not to put their money in the oil industry.

The second of the three bills was the so-called 1975 Energy Conservation Act, which negated its constructive features by rolling back prices of domestic crude oil. This action vividly illustrates the depths to which Congress has sunk in the energy field. How it could delude itself to the extent of believing that making oil and oil products cheaper would promote conservation is beyond me.

The third of the three bills, on the other hand, was a good one. As you know, it lowered the speed limit for motor vehicles to 55 miles per hour. This has yielded benefits both in conservation of energy and in prevention of accidents.

#### CONGRESSIONAL INACTION

But the biggest, most incomprehensible failure of Congress last year was its inability to agree on any legislation at all to increase our domestic energy supplies. I am convinced that if this nation disintegrates as the Roman Empire, the Austro-Hungarian Empire, and others did, historians will ascribe our downfall in large measure to the ineptitude and lack of vision of Congress in the energy area. It may well seem to them that Congress was so blinded by its exasperation with the oil industry that it handled the energy crisis in a completely counterproductive way.

Consider these facts and try to visualize how you would judge the situation looking back on it, say, 200 years from now:

1. Sixty percent of all domestic crude oil is still under price controls—controls that hold it on an average at about half the international price and strongly discourage exploration and development.

2. Oil import quotas have been set up in such a haphazard way that they actually work against equitable distribution of energy.

3. Of the 200 largest new energy projects in the country, about 90 percent are in litigation, much of this wrangling fostered or at least condoned by Congress. Indeed, Congress is seriously considering raising taxes on the producers of the nation—laborers, craftsmen, engineers, managers, businessmen, salesmen, economists, and the like—to pay for additional intervention in many of these cases by obstructionists, critics, and other nonproducers. There is only one word for that kind of behavior—asinine.

4. Congress is threatening to break up the large oil companies, a threat that couldn't be made at a more inopportune time—just when we need the special capabilities and know-how of these companies more than ever. Forty-five senators have already voted in favor of such action. I wouldn't be surprised to see it materialize in the next few years.

5. Taxes in the oil industry are at their highest levels in history. They are approximately 900 percent over what they were just ten years ago. In that same period profits have increased too, but only about 250 percent, with a substantial part of the increase due to inventory, or "paper" profits.

6. In 1972, before the Arab oil embargo,

members of the Organization of Petroleum Exporting Countries received about two cents for every gallon of gasoline sold in the U.S. while the oil companies received about one and a half cents. In 1974, after the embargo, OPEC received twenty-four cents per gallon while the oil companies received about two and a half cents—an increase of 1100 percent for OPEC, an increase of 67 percent for the oil companies. This should indicate rather clearly to Congress where its ire should be concentrated.

Admittedly, there is trouble in the U.S. oil industry—at least in certain companies. I've been there and seen it. But congressional action that penalizes the entire nation just to hurt the "oil barons" is a little like burning one's house down to get rid of termites.

#### PUBLIC ATTITUDES

Let's turn now to those segments of the public that I feel deserve some of the blame for the energy predicament the United States is in. The deficiencies here are harder to pinpoint and prove than are those of the Congress, yet they are even more fundamental.

There are four general classes of people upsetting the energy appellation:

- A. Those who are ignorant of the facts of economic life and/or want to return to a simpler mode of existence.

- B. Those who understand the importance of energy but are alarmed by the safety, health, and environmental implications of continued energy growth.

- C. Those who have found that speaking out against energy projects is a convenient way to get attention and publicity with little risk of ever having to shoulder any responsibility.

- D. Those who are willfully obstructive or destructive.

#### IGNORANCE

In Category A, one finds the many individuals who do not realize that the economy of the United States is totally energy dependent, that there is a close correlation between energy supply and jobs, and that even with zero population growth the number of households in the nation will increase 35 percent and the labor force 25 percent in the next ten years. Just to maintain our current standard of living, therefore, substantial new energy capacity will have to be provided by 1985. There are currently almost eight million unemployed persons in the United States. Until either coal-fired or nuclear generating stations are built to take up the slack, we shall throw about 900,000 additional people out of work for every million barrels of oil we need and can't get.

In Category A, one finds, too, the large group of people who think that the energy industry's return on its investment is too high. Taking the oil companies again as an example, their return on investment from 1965 through 1975 ranged from twelve or thirteen percent at the beginning of the period to nine percent just before the oil embargo to fifteen percent in 1974 and back down to about twelve percent last year. This is not enough to generate the capital needed for even the new capacity required in the next ten years just to maintain our present standard of living.

On a worldwide basis, the 24 largest oil companies should reinvest about \$800 billion of their profits back in their businesses by 1985, if they want to keep up with demand. That is about \$220 million a day. They must make reasonable profits if they are to fill the great need the world has and will continue to have for energy. The same statement applies to heavy equipment manufacturers like Babcock & Wilcox.

I could talk for a long time about the members of Category A. Some of them have rather strange parochial views. A young man I recently met on a flight from Chicago to Denver belongs in this group. He was dressed in hiking clothes and had his backpack

with him. He said he was going to climb as high as he could into the Rockies and stay there long enough to "let nature take over my soul." He was appalled when he learned that I was in the nuclear power business. It was obviously difficult for him to understand how anyone as ordinary as I seemed to be could be engaged in such nefarious activity. He cited statistics about the unreliability of nuclear power plants that came straight from David Coney's articles and finally said that he was glad to be going to the Rockies because at the rate nuclear power plants were sprouting up throughout the nation "no place, not even the high country, will be safe and unpolluted in a few years."

When we were getting off the plane, I asked him how he would have gotten the aluminum and nylon in his camping equipment and indeed how he would have traveled to that beautiful section of the country if there were no power for industry and transportation. He didn't reply.

#### LACK OF PERSPECTIVE

Category B includes many of the active opponents of proposed power generating stations, both coal and nuclear. These people by and large are sincere in their beliefs, but a great number of them seem to be looking so hard for security that they have lost their perspective, or at least their ability to strike a proper balance between benefit and risk in evaluating new technological developments. Perhaps some have never been exposed to the discipline of a benefit-risk comparison.

They fail to realize that in a complex interdependent society an individual cannot be permitted to maximize his own safety at the expense of others. They do not comprehend that in a tightly woven social fabric like the United States there is no such thing as absolute safety, just as there is no such thing as absolute liberty. If the common judgment is that we need energy to run schools, hospitals, motor vehicles, farm machinery, factories, homes, stores, railroads, airlines, etc. to keep the bulk of our population alive and healthy, then these worriers must learn to bend to that will, even if the risk of their contracting emphysema, or some other dread disease, is slightly increased.

Man is dominant on this space vehicle, earth, because he has accepted each new threat to his existence through the ages as a challenge to be met—and has acted aggressively to conquer or neutralize whatever has endangered him and his habitat, using all of the wisdom and ingenuity with which he has been endowed. The energy critics apparently feel that this basic characteristic of the human race must be modified, that we must now be careful not to apply certain portions of the knowledge we have accumulated. Their concern is, of course, directed at new technology. In brief, they seem afraid that man is not capable of controlling the new forces he has learned how to release and therefore the solutions to his problems that involve employing these forces are too risky to explore.

There is nothing novel about this fear. It has been with mankind since the beginning. Fire, the inclined plane, the lever, the wheel, the pulley, the arch, all struck terror in many hearts before being accepted as useful tools. Even the common table fork was denounced as dangerous when it was introduced in England in 1620. Richard Trevithick was threatened with hanging for driving a fore-runner of the steam locomotive through the streets of Camborne in 1801. And here is what Thomas Edison (of all people) had to say about George Westinghouse's proposal (circa 1890) to use alternating current to transport electric power: "My personal desire would be to prohibit entirely the use of alternating currents. They are unnecessary as they are dangerous. . . . I can therefore see no justification for the introduction of a system which has no element of per-



manency and every element of danger to life and property."

Category B people are in some ways the easiest to deal with and in others the hardest to convince. There is a little bit of them in all of us.

#### OBSTRUCTION

Fortunately, there are not too many people in Category C. Unfortunately, those who do fall in this class—and you can name them as well as I—are doing irreparable harm to the nation because they do not observe the same code of ethics that most of us do. They have no compunction about stretching the truth, for example, to make their points. Indeed, sometimes the more they lie the more attention they get.

Category D is an even more disturbing group. The percentage of frustrated, unstable individuals in the United States seems to be rising rapidly. Nuclear power in particular, but coal and oil also are drawing heavy opposition from the ranks of this unhappy legion. You have read some of the hundreds of news articles in the last few years about threats to utility executives, the bombing of industrial offices and factories, the toppling of transmission lines, sit-downs in regulatory hearings, arson at oil refineries, prolonged legal maneuvering to hold up energy projects that all directly involved parties favor, and assorted other malfeasances. Many of these acts are being committed by people who have been "turned off" by society. We must find a way to turn them back on.

The crescendo of terrorism throughout the world should sound a warning note to those of us in the energy field. It will not be long, I believe, before the terrorists merge with or infiltrate the energy obstructionist groups and try to bring our entire civilization down around our ears.

#### SUGGESTED STEPS

What can be done to stem this anti-energy tide? You know one answer: Get out and preach the gospel of common sense to the younger generation, who comprise the majority of each of the categories I have mentioned. Explain to them how energy supply and environmental protection can be coalesced. Another answer is: Collar your congressman or senator and tell him face to face that procrastination on energy matters at this time is tantamount to treachery, that positive action must be taken immediately to increase the sources of energy available to the United States. Do not write a letter! That method of delivering the energy message has been found to be woefully ineffective. If it's worth the time of Ralph Nader and his minions to walk the halls of Congress on this issue, it's worth our time too.

Lastly, I think we should form "pro-energy battalions" in each of our hometowns—task forces of dedicated, articulate, knowledgeable people who will do something every day, primarily through the news media, to push an energy project along. I broached this idea two years ago in San Diego and it was rejected by the city council for lack of interest. I was told this week that the mayor there has resurrected the idea and will probably implement it this summer.

In these ways, we can help to correct the deficiencies that are aggravating the energy crisis and greatly improve the chances of survival of the Free World.

#### AUTOMOBILE SAFETY

**HON. JAMES H. SCHEUER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. SCHEUER. Mr. Speaker, to say that we live in a highly mobile society

where technology has dramatically shortened time and distance is to understate a fact of our daily lives. Instead of a 6-week boat crossing, we can fly to Europe in 7 hours by so-called conventional jet and, for an elite few, 3½ hours by Concorde. And a horseback rider from Washington on his way to New York 200 years ago had to plan on a trip substantially longer than the 4½ hours it takes to drive there today. Such speed has altered the very fabric of our existence, generally improving the quality of our lives in ways and to an extent that our grandfathers could never dream possible.

But, of course, there are serious problems with which we must contend, problems which often make us question whether such progress may occasionally detract from instead of add to the quality of our lives. Much of the debate surrounding the commencement of Concorde service into this country rests precisely on such problems and questions, which, in the case of the SST, are very serious indeed.

With automobiles there are other problems. Certainly air pollution is one of the most important, and legislation such as the Clean Air Act and the Automotive Transport Research and Development Act are designed as partial remedies to long overlooked or ignored hazards.

Automobile safety is another major problem area. Last year alone, 46,000 Americans were killed and 2.5 million were injured on our Nation's roads, at a cost to society of over \$11 billion. The tragic fact is that so many of these deaths and injuries are not only readily foreseeable but also preventable, as well.

Highway injuries and fatalities are most frequently caused by vehicle occupants being thrown sharply about the interior of the car—or ejected from it. In a head-on collision, for instance, occupants will be slammed forward upon impact, and then jolted back again. Front seat occupants may be killed or seriously injured as their bodies are dashed against the steering wheel, their heads thrown against the dashboard or through the windshield, their necks whipped back at high speeds. However, if their bodies are restrained and so prevented from being tossed about uncontrollably, they may escape death and avoid injury. Such is the purpose of vehicle occupant restraint systems, in which category lap and shoulder safety belts are included.

If all Americans had the benefit of an occupant restraint system, we could prevent nearly 12,000 deaths annually and reduce or prevent hundreds of thousands of injuries. Unfortunately, approximately 80 percent of the driving public in this country does not wear safety belts—the only restraint system currently being offered on a large commercial scale—and so travel unrestrained and unprotected.

The cost of such tragic waste in human terms is incalculable, not only to the victims but to their friends and their families, as well.

In social terms, the cost is exorbitantly expensive and clearly unjustifiable—for all of us. Mr. Speaker, either directly or indirectly we all must pick up the tab for highway injuries and fatalities. We

must pay for medicaid, medicare, and other forms of public health care benefits. We must pay the social security disability and survivor benefits, the welfare benefits, the pensions, unemployment insurance, and the food stamps which the victim and/or his family may require. And, of course, we must pay the rising medical and automobile insurance premiums.

Also, carnage on the highways places a heavy and costly burden upon our limited police, ambulance, fire, and medical resources, resources which could well be used in other areas.

In the face of such costs, we must do all we can to prevent needless and tragic highway injuries and fatalities. Indeed, we tried to do just that in the National Traffic and Motor Vehicle Safety Act of 1966. In that act we declared our intent to "reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents." To accomplish this we established a National Highway Traffic Safety Administration—NHTSA—within the Department of Transportation, and charged it with promulgating "motor vehicle safety standards" to insure that the driving public is "protected against unreasonable risk of death or injury" in the event of an accident. The definition of "motor vehicle safety standards" is instructive, so I will quote it in full:

Motor vehicle safety standards means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

Lap and shoulder belts have never been able to meet this "need for motor vehicle safety." They fail to perform, because the overwhelming majority of Americans fail to wear them. The clear pattern of non-use of lap and shoulder belts—together called an active restraint system because occupants must take positive action—buckle up—if they are to be protected—now compels us to discard them in favor of an occupant restraint system or systems which will perform effectively and meet the ever-increasing national need for safety.

Active belt systems are clearly not the answer to motor vehicle safety in this country. Neither this Congress nor a single State legislature has managed to enact legislation making safety belt use mandatory, despite the tremendous benefits which society would reap as a result of such laws.

In November of last year, I introduced a bill to require States to enact such laws. The Committee on Public Works and Transportation, to which my bill was referred, has not scheduled hearings on the matter, and clearly does not intend to. In addition, the fiasco 2 years ago involving the ignition interlock, a system which was designed to increase safety belt use by preventing a car from starting until occupants buckled their belts, unfortunately injured the cause of motor vehicle safety and left a bad taste in many mouths.

It is important to recall, however, that before the NHTSA approved the ignition interlock system, it had issued a safety standard on March 3, 1971 requiring the

installation of passive restraint systems for front seat passengers in all 1974 model year cars.

Passive restraints are systems that protect passenger car occupants in a crash by automatically restraining them in their seats without requiring any positive action by them. There are two passive systems available today: the passive belt, a Volkswagen-designed safety belt which comfortably engages automatically as one enters the car and closes the door, and the air bag, which in a crash instantaneously to hold the occupant in place. The obvious advantage these systems have over the current belt design is that no action is required of front seat vehicle occupants, all of whom, therefore, would be protected in the event of a crash.

Passive restraint systems are comfortable and convenient. They are technologically feasible and economically cost-effective. And they will protect all front seat occupants, including the 80 percent who do not wear safety belts and the 93 percent of children 10 years old or younger who are presently restrained either inadequately or not at all.

Given the existence of such passive devices, drivers today are not being "protected against unreasonable risk of death or injury" within the meaning of the 1966 act. The fact that automobile size and weight, major factors in withstanding a crash, are now decreasing steadily in response to concern over fuel economy, and that injuries and fatalities therefore can be expected to increase significantly, only makes this already tragic situation potentially even more disastrous.

How much should we expect the public to pay for safety?

Passive restraint systems are cost-effective—the NHTSA has assigned a benefit/cost ratio of 2.3 to air bags and 4.7 to passive belts, as opposed to 2.0 to lap and shoulder belts at current usage levels. Thus, for every dollar we spend on an air bag, for example, we will save \$2.30 in societal costs. As a direct result of the high nonuse rate, however, lap and shoulder belts prevent fewer than 3,000 fatalities annually while the passive systems would prevent between 11,000 and 12,000.

Is an additional cost of perhaps \$30 for passive belts or \$130 for air bags too high to justify requiring mandatory installation of a passive restraint system in all new cars? Is such a cost sufficiently high to justify permitting 80 percent of the American driving public to travel on our nation's roads unrestrained?

I think not. Many of the options purchased by new car buyers—V8 engines, AM-FM radios, power windows, radial tires, and air-conditioning, for example—each cost over \$130. For such esthetic additions as white walls or the flashy chrome of deluxe wheel covers, we pay in excess of \$30. Should we permit manufacturers to spend hundreds of dollars per car for styling and soundproofing for that "quiet ride" and yet protest mandatory passive restraints—devices which annually will save thousands of

lives and billions of dollars—as being too costly?

"Yet," air bag opponents claim, "to require such an additional expenditure is to curtail freedom of choice." This argument is patently absurd.

Do we give citizens a choice of whether to purchase an energy-absorbing steering column?

Do we give them a choice on laminated windshield glass, reinforced side doors and roofs, or padded dashboards?

Do we give them a choice on windshield washing systems, sun visors, door locking mechanisms, nonreflecting surfaces, seat strength, or windshield mounting?

Over the past decade, the Government has required automobile manufacturers to install and consumers to pay for, a wide variety of safety equipment. Such requirements clearly restrict consumer "freedom of choice" clearly goes far beyond the safety demands of the classical marketplace and demonstrates recognition of the basic principle that the voice of the marketplace does not necessarily represent the ultimate best interests either of the individual consumer or of society at large.

The consumer must pay for these safety features, a combination of which probably prevents fewer deaths and injuries and costs more than air bags or passive belts. And we now require the consumer to pay \$60 for safety belts which are not used by 80 percent of the people.

Is it not "unreasonable" and irresponsible for the Government to compel its citizens to spend \$60 knowing full well the ineffectiveness and wastefulness of such an expenditure and fail to require the installation of a safety system which at most costs an additional \$130 and which will effectively protect all front-seat occupants?

To discuss freedom of choice in this context is pious sanctimony generously laced with hypocrisy.

While it is desirable—in the abstract—to maintain freedom of choice, the Congress decided in the 1966 act that such freedom must be sacrificed, in the case of auto safety, for the individual and the common good. Both Federal and State Governments have the authority to restrict freedom of choice where necessary, and have used this authority for generations in a wide array of legislative programs. Occupational safety and health, consumer product safety, flammable fabrics, and hazardous substances are a few of the areas Congress found it necessary to regulate and thereby restrict freedom of choice. Automobile safety is simply another of these areas.

Finally, a driver who is involved in a crash has not merely harmed himself. He cannot simply say, "What I do is my own business." All of society must pay for such an individual's irrational stubbornness through a vast number of public assistance programs and insurance costs. The driver may have been responsible for the death of a child in the car because, whether deliberately or not, he made a decision not to restrain that child properly. What has happened in such a

case to the rights, the "freedom of choice," of that child?

The industry also argues that "freedom of the marketplace" should be maintained. Yet here this argument is as specious as the "freedom of choice" argument. As Secretary of Transportation Coleman observed:

It is difficult to believe for instance, that there would be seat belts in every car today if their installation had had to rely on the demands of the marketplace.

And so with all of the other safety features listed above, developed in recent years. The stated purpose of the 1966 act is unequivocally to reduce deaths and injuries on the highways, where "freedom of choice" and "the marketplace" had failed to provide the necessary incentives to the manufacturers.

Mr. Speaker, I am introducing today a bill which would have the effect of requiring the installation of passive restraint systems in all new cars as of model year 1980. The need for such passive occupant protection is both clear and urgent. Today alone, 131 Americans will die on our Nation's roads, and another 4,800 of our citizens will be injured.

Every day we procrastinate and fail to take up mandatory passive restraint legislation means another 131 people will have died, another 4,800 will have been injured. The time for action is long passed.

#### CAPTIVE NATIONS COMMITTEE OF WESTERN NEW YORK UPHOLDS THE RIGHT OF ALL TO FREEDOM AND SELF-DETERMINATION

**HON. JACK F. KEMP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. KEMP. Mr. Speaker, last Saturday I had the honor and privilege to be the keynote speaker at the commemorative banquet and dance of the Captive Nations Committee of western New York. This excellent group, the president of which is Mr. Frank Z. Till of Croatian heritage, has done a magnificent job in fighting to keep alive the hopes and dreams for freedom of the 150 million people in captive nations behind the Communist Iron Curtain.

Thomas Jefferson, the author of the Declaration of Independence for our Nation 200 years ago, said:

The God who gave us life, gave us liberty at the same time.

Those same God-given rights of liberty and life are basic to all peoples, no matter where or who they are and are not subject to change.

Yet there are millions of persons yearning for freedom in the world today who are denied their basic human liberties, dignity, and rights of self-determination.

These people are unwillingly living under the yoke of communism, fostered and encouraged by an imperialistic and expansionist Russian foreign policy.



These are the people of the captive nations.

There is no crueler sentence for these captive nations than to abandon them through our present policy of one-way détente. The Soviet attitude of "peaceful coexistence" has not changed since the Russian revolution of 1917. Leonid Brezhnev himself stated in 1973—

Peaceful coexistence does not mean the end of the struggle of the two world powers. The struggle between the proletariat and the bourgeoisie, between world socialism and imperialism will be waged right up to the complete and final victory of communism on a world scale.

And as recently as this spring's 25th Communist Party Congress, Brezhnev repeated that détente does not "in the slightest abolish the laws of the class struggle."

I believe our perception of the Soviet threat as well as our own approach to national security is deficient for not taking into account the fact that Soviet thinking and values do not mirror our own. Whether Secretary of State Henry Kissinger believes in the eventual reconciliation of the philosophical differences between a free and a totalitarian state, does not alter the fact that right now the Soviet Union is actively pursuing the expansionist philosophy of world communism, through the gradual and not so subtle takeover of defenseless countries.

Since 1917, Soviet aggression has enslaved roughly 125 million people in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Croatia, White Ruthenia, Romania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkistan, North Vietnam, South Vietnam, Angola, and others.

Where will be the next victims? In Western Europe? In the Mideast? Africa? South America?

I find it inconceivable that, with the evidence before them, senior State Department officials such as Henry Kissinger and Helmut Sonnenfeldt persist in steering the United States in the path of accommodation to Soviet foreign policy, and the abandonment of the millions of people who look to the United States as the citadel of freedom and concern for human rights around the world.

I believe that it is time for the United States to reassert in no uncertain terms its commitment to the freedom of these captive nations, and I support and commend the President for his proclamation marking Captive Nations Week, 1976, which says—

For two centuries, the fundamental basis of American policy toward other nations has remained unchanged: the United States supports the aspirations for freedom, independence, and national self-determination of all peoples. We do not accept foreign domination over any nation.

The time has come for the United States to demand fair and equitable cooperation from the Soviets before we grant any concessions under the nebulous label of "détente." Détente must be mutually reciprocal and two ways if it is to be détente at all. Otherwise it is but appeasement.

Mr. Speaker, I was privileged to be present in the Capitol when that distinguished and remarkable Nobel prize-winning author, Alexandr Solzhenitsyn, addressed many Members of the Congress. Mr. Solzhenitsyn repeated to us his message to the Western World:

Whether or not the United States so desires, it stands at the peak of world history and takes the burden of leadership if not of the whole world, then of at least a good half of it. The United States has not had a thousand years to train for this. Maybe the 200 years of your existence has been time to weld together a sense of national awareness. The load of obligations and responsibilities has fallen on you unbidden.

That is why you members of the Senate and of the House of Representatives, each one of you is not just an ordinary member of an ordinary Parliament—you have been elected to a particular position in the contemporary world. I would like to convey to you how we—the citizens of the communist countries look upon your words, deeds, proposals, and enactments—as brought to us over the radio sometimes with warm approval and sometimes also with horror and despair. But we never have a chance to respond out loud.

Perhaps some of you, in your minds, still feel yourselves just representatives of your state or party—but we from over there, far away from here, the whole world itself, does not perceive these differences. We do not look upon you as Democrats or Republicans, not as representatives of the East or West coast or the Midwest, we see you as figures upon ends of whom depends whether the course of world history will tend to tragedy or salvation.

As I told my audience of "freedom fighters," my goal as a Member of Congress from Buffalo area to represent them according to the ideals of Solzhenitsyn.

Mr. Speaker, in our search for world peace, we must never lose sight of the human values embodied in our heritage, never accept the pragmatic expediencies of the moment as paramount to basic principles. As we celebrate our independence from tyrannical colonial rule, we must realize that colonialism and imperialism still exists in a much more suppressive form.

I urge my colleagues in the Congress, and all Americans who have been fortunate enough to experience true liberty, to redouble our efforts to gain freedom for all nations oppressed by the yoke of communism.

Mr. Speaker, at this time I would like to enter into the CONGRESSIONAL RECORD the names of some of those who helped make the Captive Nations Week dinner in Buffalo such a memorable one:

Mr. Shehat Osmani, of Albanian heritage, Mr. Miro Gergoff, of Bulgarian heritage, Mr. Frank Z. Til, of Croatian heritage, Mr. Steven Glamuzina, of Croatian heritage, Mr. Voldemar Kirss, of Estonian heritage, Mr. Tibor Baranski, of Hungarian heritage, Dr. Daniel Vizsolyi, of Hungarian heritage, Mr. Vidis Malejs, of Latvian heritage, Mr. Romas Masiulionis, of Lithuanian heritage, Judge Joseph Forma, of Polish heritage, Sue Bartos, of Polish heritage, Col. William Cybulski, of Polish heritage, Mr. Karol Tomaszewski, of Polish heritage, Mr. and Mrs. Wasyl Sharvan, of Ukrainian heritage, Mr. Andrew

Diakun, J.D., of Ukrainian heritage, Mrs. Dasha Procyk, of Ukrainian heritage, Marta Hawryluk, of Ukrainian heritage.

Spiritual leaders included: Rt. Rev. Msgr. Paul Iwaciw, of Ukrainian heritage; and Rev. Stephan Lackovic, of Croatian heritage.

Further, Mr. Speaker, three great "freedom fighters" were honored, in recognition of their outstanding service on behalf of the captive nations the following past president of the Captive Nations Committee of western New York received awards, and I salute them here:

Dr. Edward M. O'Connor, (the late) Dr. Nestor Procyk, M.D., and Mr. Tibor Baranski.

I am grateful for their courageous and dedicated leadership in the fight for freedom and independence for all people of the captive nation's. They are truly Americans of whom we all can be proud.

#### RUNAWAY GOOD INTENTIONS

#### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. ABDNOR. Mr. Speaker, when the Federal Government sets out to "improve things" or "correct a bad situation," they never go about things half-way. Too often, the lack of restraint and the desire to impose a single set of standards by which to judge everything creates a situation where the "cure" may be far more deadly than the illness.

The case files of all my colleagues overflow with problems involving the alphabet regulators: HEW, EPA, OSHA, CAB, FCC, ICC, FDA, et cetera, et cetera. On our trips home we are given tours of "what happens" as our business firms and institutions try to cope with Federal rules, regulations, and redtape.

Our homes for the elderly provide but one example of institutions coping with myriad local, State, and Federal regulations. Most certainly none of us can argue on the need for safe, clean, humane homes for those who no longer desire to or are unable to care for themselves. While endeavoring to curb abuses, rules, and regulations have also tended to depersonalize care. One of my constituents, an activities director in a nursing home, calls attention to the growing opportunities for indifference in a perceptive article I would like to share with my colleagues:

NURSING HOMES: PAST, PRESENT, THEN WHAT?

(By Mary Sue Gutheridge)

On first encounter, mysterious and obscure images of the past seemed to lovingly embrace the run-down two story building. Two towering pine trees faithfully stood guard, making sure the main entrance was iced over long after the snows had melted. Love, compassion, and respect for all aspects of humanity were the credentials needed by those persons who entered "The Old Folks Home."

Once inside, the sights and sounds of people living greeted newcomers. The dayroom was filled with people finding pleasure in the simple joys of talking with a friend, reading a book, crocheting a dolly, or humming a

favorite tune. The mismatched furniture and make shift accessories added charm, and a personal touch to each area of the "home." By taking note of the odds and ends in each persons bedroom, a mental picture of the occupant was quickly developed. The kitchen and dining room sparkled with sunlight and buzzed with activity. At least three old men were invariably sitting at a wooden table, supervising the cooks and telling stories of days gone by. Several of the elderly women moved about the dining room clearing tables, washing dishes and talking about how they used to take care of their families before moving to the "old folks home." Occasionally, a stray dog or cat found it's way onto the back porch to beg for scraps and a pat on the head. The strays were never disappointed, for someone was always nearby to give them some food and attention.

Happiness, contentment, and love prevailed for those people who were fortunate to have lived on the edge of progressive care of the aged. No two people living in the "old folks home" were alike. Newcomers and employees learned names by detailed descriptions of unmistakable personalities, unique mannerisms, or unusual style of dress. Individuality was encouraged, understood and accepted by the folks themselves, and the persons engaged in their care.

With the advent of extensive state and federal government intervention into the lives of those persons living and operating Nursing Homes, the wheels of progress swiftly turned, and the "Old Folks Homes" were labeled obsolete. Endless regulations and standards were established by countless governmental agencies in an attempt to change conditions and appearances. The regulations were followed and soon new nursing homes and retirement centers were constructed to provide modern housing for the elderly.

The new homes are shining, well-designed, sanitary, and impersonal monuments to the conformity imposed upon nursing homes over the past decade. There are no towering trees, or obscure images guarding the new homes. The foundations are merely cold concrete slabs which support brick, ranch style structures, complete with brightly painted signs warning of do's and don'ts. The dayrooms, bedrooms, kitchens and dining areas appear as full color illustrations in furniture supply pamphlets. Modern stainless steel appliances and gleaming chrome fixtures clearly reflect uniformed robots programmed to sanitize, immunize, and desensitize themselves, as well as the residents and areas for which they are responsible.

Love and freedom of choice, a decade ago, were considered necessities. By the continua-

tion of the most destructive kind of progress, in which regulations take priority over people, those necessities are no longer affordable. The effects of restrictions and regimented routines, which render little time for personal preference or expression, are apparent in the appearance of residents and staff. Similar models in a mail order catalogue, each person blends neatly and tastefully with the decor. Personalities are controlled, individual characteristics are denied, while personal contacts and inter-actions are limited to specific places and time.

Fear of recrimination has been a successful tool used by the state and federal government, to strip the nursing home residents, employees, and operators of their rights. Following regular inspections by the controlling governmental agencies, impressive certificates; citing compliance with regulations, are issued and ceremoniously hung on the walls of our modern nursing homes. Failure to receive and display these certificates can result in the discontinuation of federal funding for the resident and financial disaster for the nursing home business.

Today, there are no citations awarded to the nursing home industry for compliance with the human requirements of love, compassion, dignity, and respect for our fellow man. Federal restrictions are silently taking care of those requirements, however. Tomorrow our nations nursing homes may be forced to replace basic human needs and receive a new certificate, suitable for framing. A certificate, which no doubt, will be titled The Standards of Indifference. Will the challenge be ignored, and the trend toward indifference continue, or will the nursing home industry face up to the realities, define their position, stand firm against further intervention, and then get on with the business of caring for people?

#### THE 10TH CONGRESSIONAL DISTRICT OFFICE FUND

#### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mr. MIKVA. Mr. Speaker, the following is a report of the receipts and expenditures of the 10th District office fund, a fund used exclusively to cover nonpolitical expenses in connection with my congressional office:

The Congressional District Office Fund—  
Report: January 1, 1976-June 30, 1976:

Balance: January 1, 1976----- \$657.02

#### Receipts:

Mr. and Mrs. Jack Bloom, Evanston	10.00
Mr. and Mrs. Stephen D. Keen, Evanston	10.00
Mr. and Mrs. Allen Levis, Glencoe	100.00
Contribution from Citizens for Mikva	1,350.00

Total receipts----- 1,470.00

#### Expenditures:

Petty cash	200.00
Subscriptions	279.57
Membership	561.50
Office supplies	123.44
Town meetings	237.30
Miscellaneous	646.47

Total expenditures----- 2,048.28

Balance June 30, 1976----- 78.74

#### PERSONAL ANNOUNCEMENT

#### HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1976

Mrs. KEYS. Mr. Speaker, on July 30, 1976, I was unavoidably absent for three rollcall votes. During consideration of H.R. 8401, the Nuclear Fuel Assurance Act of 1976, I missed roll No. 576, the vote on the Bingham amendment which sought to strike those sections which provide for ERDA-private industry uranium enrichment contracts. Had I been present, I would have voted "yea."

The second vote I missed was roll No. 577, the vote on House Resolution 1267, the rule under which the bill H.R. 2525, Indian Health Care Improvement, was considered. Had I been present, I would have voted "yea."

The third vote I missed was roll No. 578, the vote on the final passage of H.R. 2525. Had I been present, I would have voted "yea."

## SENATE—Tuesday, August 3, 1976

The Senate met at 8:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Spirit, above us yet deep within us, we ask no sudden rending of the skies, no prophet ecstasies, no mystic journey to the unseen, but take the dimness of our souls away, that we may begin this day aware of Thy presence in all that we think and say and do. Give us ears to hear above all resolutions, debates, and rollcalls the still small voice heard only in the inner chamber of our being. For

our soul's sake lead us to quiet places, the still waters, and the green pastures. Give us clear minds, sound judgment, and physical stamina. And with these gifts grant to each of us a serene soul, a peaceful heart, and an enduring faith.

We pray in the name of that One who says: "Come unto me, all ye that labor and are heavy laden, and I will give you rest." Amen.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 2, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be permitted to meet on August 5, 9, and 10 for the purpose of considering S. 3298, the Central Arizona Indian Private Water Rights Settlement Act of 1976.

Mr. GRIFFIN. Mr. President, at the request of another Senator, I respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore.